

# ANNALS OF IOWA.

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## GEORGE WILSON:

FIRST TERRITORIAL ADJUTANT OF THE MILITIA OF IOWA.

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BY HIS SON GEORGE WILSON.

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Among the many good citizens of early Iowa were three brothers, Judge Thos. Stokely Wilson\* of Dubuque, Col. David Stokely Wilson† of the 6th Iowa Cavalry, and their oldest brother, Captain George Wilson, the first Adjutant of the Militia of the Territory of Iowa. The latter was eighteen when his father died at Steubenville, Ohio, their home. The family owed much to the determined spirit of the mother, who, left a young widow with eight children, and little help from the estate of a wealthy father, brought up her children creditably.

George Wilson was born January 20, 1809; he was the son of Peter Miller Wilson of Philadelphia, and Frances Pope Stokely of Delaware. Peter M. Wilson was the son of George Wilson who was born on a ship coming to Philadelphia; both parents died on the voyage and were buried at sea. This George, the immigrant, married Elizabeth Richardson, a great-granddaughter of Sir John Richardson and the Lady Elizabeth Aubrey, who was the daughter of Sir John Aubrey and the Lady Marie, his wife. Both sides, Richardson and Aubrey, belonged to the nobility of Wales. The family name, Miller, was an inheritance from an immigrant ancestor, Gottfried Mueller, a German, who came from Nassau and joined Penn's colony. One of his sons was with

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\*See ANNALS OF IOWA, Vol. I, 3d Series, p. 503.

†ANNALS OF IOWA, No. 5, 1st Series, pp. 198-9.

Wolf at Quebec, and both were in the American army in the Revolution.

The subject of this sketch, Capt. George Wilson, was named George Stokely Craig Wilson by his mother, but for a man of his plain tastes this was too much, and he never wrote or used the two middle names. His home in Steubenville was near the Stantons, and Edwin M. Stanton and the Wilson boys were playmates. George Wilson's father, Peter Miller Wilson, was appointed Receiver of Public Moneys at Steubenville by President Jackson, who was his personal friend. Mr. Wilson did not live out his term, but was stricken with apoplexy and fell dead at his desk while still a young man.

George Wilson was appointed a cadet at West Point Military Academy as a compliment to his mother's father, Thomas Stokely, a native of Edenton, N. C., and a captain of Pennsylvania troops in the Revolution. Mr. Wilson's father was living at the time and carried his fifteen-year old son on horseback behind himself, from Steubenville to Philadelphia, where they took shipping for New York. Though small of his age at that time, he grew to be six feet high, and his West Point training never failed him. He was to the day of his death as straight as an arrow, scrupulously neat, methodical and orderly. His favorite roommate was Merriwether Lewis Clark; both were athletes and were chosen for their fine figures and soldierly bearing to be sergeants of the color guard. He said that Alexander was never prouder than they, when first promoted and marching with a corporal behind them. One night when Wilson was officer of the guard, a cadet named Dargan, from South Carolina or Georgia, made a murderous assault on a young officer among the instructors, having fancied receiving an insult or slight from him. Wilson was the first to reach the spot and to find the nearly murdered officer, who was a favorite with the cadets generally. Wilson was a fine swordsman all his life, and he was so outraged at the cowardly and brutal manner of the attempted assassination that he drew his sword and afterwards



said that it was with the greatest effort at self-restraint that he kept from running Dargan through. The man was expelled.

Cadet Wilson was but fifteen when he received the appointment and before he could enter the Military Academy had to wait until he was sixteen. He was thus immature in mind and could not keep up with such older men as Charles Mason, afterwards of Burlington, Iowa, and Robert E. Lee, members of the same class. In the last letter he ever received from his father the latter said to him, "for God's sake try to get through in four years and do not be turned back another year." But the struggle to keep up with the older men was vain, and he, with about a third of the class, failed to meet requirements and was obliged to remain through another year. His father had died previously and never knew of this circumstance. The last letter from his father is a long one, beautifully written and finely composed, full of good advice covering almost the whole conduct of life. The strict rules of the Academy forbade him to go home at the time of his father's death as he wished to do. When graduated, his class standing was not high, except in drawing, where he ranked fourth. His right-line drawings in India ink are beautiful for their correctness and precision, and the ink on them is as fresh today as in 1830, the year he was graduated.

After graduating, he was put on duty as second lieutenant in the First Infantry, of which Zachary Taylor was Colonel; the regiment being at Fort Crawford, near the town of Prairie Du Chien, Wisconsin. Many men whose names became famous were at this fort. Jefferson Davis was a lieutenant in the same company with Wilson and together they were sent to drive the miners from the Dubuque lead mines where they were intruding. I have given the State of Iowa the official history of this matter, from copies of all the orders and correspondence, for some of which I am indebted to Gen. Shafter, who was at the time I got them, Colonel of the First Infantry and courteously furnished them on my request.

There has been some controversy about the part taken in this case by Mr. Davis, which the official history settles.

Lieutenant Wilson met at Fort Crawford the daughter of Gen. Joseph Montfort Street, agent for the Winnebago Indians, but the father opposed his attentions because he did not wish his daughter to marry any young lieutenant, knowing as he did the hardships of an under-officer's life. Mr. Jefferson Davis was at that time paying his addresses to the colonel's daughter, Miss Sarah Knox Taylor. Miss Street and Miss Taylor were devoted friends and when Mr. Davis called at Gen. Street's Miss Taylor was sure to be found spending the evening there; and when Mr. Wilson called at Colonel Taylor's Miss Street always happened to be there.

About this time the Black Hawk War began . . . . Mr. Wilson was through all the severe campaigning and fighting in the terrible cold of a Wisconsin winter. Sleeping out of doors with no tents was so severe an experience that often when he tried to get up in the morning in camp he would be so stiff from cold that he would fall down three or four times before he could finally stand on his feet. He froze one side of his face badly, and in later life lost the sight of an eye as a result from the injury then received. In the battle of Bad Axe, he had command of a company and getting his men in a piece of bottom where they were well under cover, he bore an active part in the battle. Towards the last, Albert Sidney Johnston, the adjutant of the regiment, rode down to him and asked if he knew how long he had been there. He answered, "About half an hour, I suppose." "You have been here two hours and a half," answered Johnston, taking out a fine gold watch, something less common in those days than now.

In some respects Mr. Wilson was not fitted for a soldier. He took no pleasure in war and in this case he felt that the Indians were wronged. They were in a starving condition, making a vain effort to stay hunger with the soft inner bark of saplings, and the soldiers following them were often freez-



ing. After this battle Mr. Wilson saw the surgeon cut off the arm of a papoose, which had been broken by the same bullet that killed its mother. He gave it a biscuit which it ate ravenously while the surgeon was at work. At another time he saw the squaws jump into the Mississippi and with their papooses on their backs try to swim its wintry waters, while the Illinois militia shot mothers and children from the banks. This, Mr. Wilson said was "a sickening sight." Black Hawk relates this same incident in the story of his own life.

After Black Hawk gave himself up he was taken to St. Louis on a steamboat by Gen. Street, Lieut. Jefferson Davis being in command of the escort. Miss Street was taken to St. Louis by her father on this trip and sent to school at Jacksonville, Illinois. On the way down Mr. Davis managed to have a note from Lieutenant Wilson carried to her by the mulatto chambermaid. Later on Gen. Street gave his consent to their marriage and their attendants were Ethan Allen Hitchcock, major of the regiment and a grand-nephew of Ethan Allen of Ticonderoga, and Miss Sarah Knox Taylor. They were married by the Rev. David Lowry, a Cumberland Presbyterian preacher, and a notice of their marriage appeared in the Army and Navy Journal at the time, of date March 26, 1835. Their first child, a daughter, was born in Fort Crawford. From there Lieut. Wilson was ordered to Florida for the Seminole War, but was sent back from New Orleans. He kept a journal of the trip from Fort Crawford to St. Louis by stage. In St. Louis he met Dr. Emerson, the army surgeon who owned the slave Dred Scott, afterwards famous in the Supreme Court decision, but who all unconscious of his coming celebrity was nicknamed "Old Dreadful" by one of the officers. On going to one of the two taverns in St. Louis, Lieut. Wilson and the Doctor found so much glass out of the windows and so much plastering off the walls that it was uncomfortably cold, so they went to the other, carrying their portmanteaus and Mr. Wilson's trunk. This

trunk, of stout harness leather, his children still have. In a letter from New Orleans to his wife in Wisconsin, he says that he unexpectedly "met Mr. Davis of our regiment" there. This painful separation from his wife and child, with other reasons, caused him to resign after getting back to Fort Crawford. He was afterwards nominated for the council of the Wisconsin legislature and elected over a professional politician who only knew that "some lieutenant" was running against him. Many of the voters were loggers and saw-mill hands who had been soldiers, and knew and liked Mr. Wilson for his good treatment of them. Many stories are related of his kindness. He was once sent on a winter expedition to a lake at the head of the Mississippi, but the weather was severe and believing that the safety of his men was more important than to get the dimensions of the lake just at that time, he brought them back. For this he was censured. He once had to drum a drunken soldier out of the service; he had the man's head shaved in a small spot and a little dab of tar and a few feathers put on, enough to comply with the law but easy to remove. He afterwards saw that man, who had taken up a claim, breaking prairie with a spade; and he lived to see him a well-to-do farmer, who never touched liquor.

Another instance of his humanity was at the time he was ordered by the Secretary of War to burn the cabins of the intruding miners at the Dubuque lead mines. He found them living with their wives and children, in many cases a family in a single-room cabin, in February with a deep snow on the ground. He said that he did not believe that any human authority had the right to order him to burn the cabins and turn the women and children out in the snow in the dead of winter, and he flatly refused to obey the orders. The Secretary of War could not afford to let his own inhumanity become public, so he passed the matter over by giving Lieut. Wilson a leave of absence, a mild rebuke.

From Wisconsin he went to Dubuque, where he was clerk of the court under his brother, Judge Thomas S. Wilson.



Afterwards he farmed in the neighborhood of Dubuque and later he removed to the Sac and Fox Agency on the Des Moines, where Gen. Street, his father-in-law, was agent. Here he was put in charge, by the department, of the Indian Pattern Farm to teach the Indians farming. In that agency house the writer of this sketch was born. When the Sacs and Foxes sold their lands and went to Kansas, Mr. Wilson bought part of the farm and spent several years on it. During this time he secured contracts for surveying government lands. He was the first surveyor to use a solar compass west of the Mississippi. He bought an instrument from Mr. Burt, who invented it. He surveyed most of Mahaska county.

At this time he took great pleasure in hunting, as game was abundant. He was a fine rifle shot and always had a lot of dogs. One day as he saw a partridge walking slowly down the road away from him he shot its head off with his rifle; an Englishman who had just come over saw it, and concluded that if all Americans were such shots it would be well to keep peace with them. One day his dogs bayed a deer in the fence corner, and he went out to them with only a bowie knife. As the deer broke through and ran by him he struck it in the back, severing its spine at a blow. He was very active, and had a powerful grip of the hand.

Although his father was a Democrat he was a Whig. He had been under anti-Jackson influences at West Point, as is evident from his father's letter to him. His father-in-law was an old Virginia Whig, too. When Taylor was elected Mr. Wilson's mother, then at Steubenville, went to Washington and asked the President to make her son Surveyor General of Iowa; but political reasons outweighed fitness and the place was given to some one who had more political influence, but knew nothing about practical land surveying. Mr. Wilson was given the office of Register of the Land Office at Fairfield. He succeeded Bernhart Henn, and filled the office with credit to himself. None of his decisions in contests

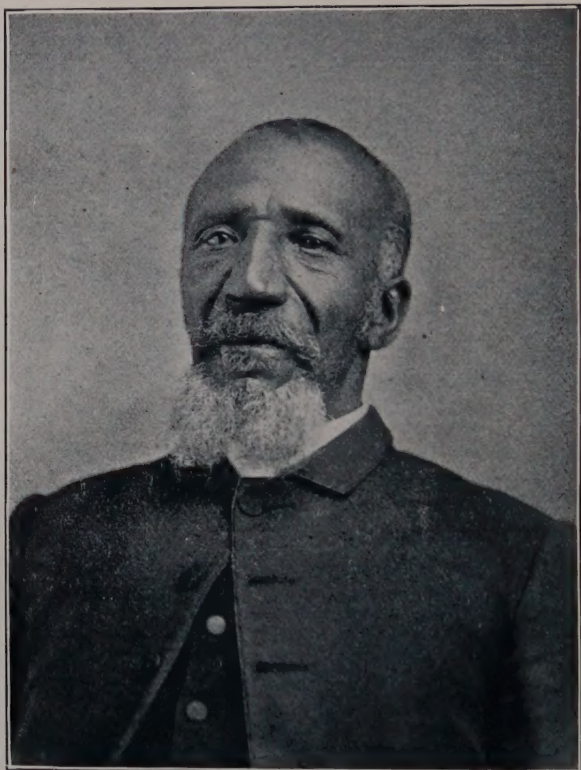
were ever reversed at Washington. In a county south of Jefferson some one was unjustly trying to get away from a widow a claim that she was holding, and in the contest Mr. Wilson took her side. For this he gained great admiration from the settlers of her neighborhood, who all sympathized with her. While here a delegation of Hungarian exiles from Kossuth's rebellion came to Iowa and chose lands for their colony. They had come all the way from Burlington without meeting any one to whom they could talk, but by means of a good knowledge of French, learned at West Point, Mr. Wilson was able to transact business with them.

About this time the Democratic press began to assail Gen. Street's family; though in terms that would be thought mild now, they were taken as a deadly insult in those days. An editorial in a Fairfield newspaper assailing them for "feeding at the public crib," was published and at once, on reading it, Mr. Wilson went to the office and without saying anything by way of introduction, struck the editor a straight blow from the shoulder, right in the mouth. One of my earliest recollections is that of seeing my mother dressing the wound made by the editor's teeth, which had cut through a thick woolen mitten that my father wore. My mother's devotion to her father made her entirely approve the proceeding.

It was stated in the ANNALS OF IOWA, July-October, 1895, that George Wilson entered the Confederate army. This is a mistake; he never bore arms against the government, nor entered the Confederate service, nor that of Missouri under Governor Jackson in opposition to the Federal government. His position was a most trying and difficult one. No man was ever worse needed than he, with his military knowledge and experience, and firm, cool ways, to organize Price's army. But he could never get his own consent to fight against the republic that his forefathers had helped to found; while he was on his mother's side of a Southern stock and many of his kinsfolk on his father's side had gone South







*Respectfully*

*Henry Harrison Triplett.*

REV. HENRY TRIPLETT.

Born a slave, and given when a child to Mrs. George Wilson, he was raised in the family and made free at the age of twenty-one. He then became a Methodist preacher. He was still living when the accompanying article was written.



from Philadelphia at an early day and intermarried there, he was not in favor of the system of slavery. He had owned a negro woman on his farm near Agency, or in Dubuque county, or in both places, but she was so unruly that he traded her for a pair of mules and never bought another. A black boy given to Mrs. Wilson by her father at her marriage was by the terms of the gift to be taught a trade and given his freedom at the age of twenty-one, all of which my father faithfully carried out. Many old citizens of Iowa will remember the boy, Henry Triplett, who became a partner of a blacksmith named Stephens at Agency, and a good and fair man Stephens was to the black boy. The latter is now a Methodist preacher and reveres the memory of his old master, Wilson, as much as Wilson's children do. Here in Missouri he never owned a slave and grew more and more in opinion against it. He took open ground against the invasion of Kansas territory by Missourians who were trying to make it a slave state, when it took a great deal of courage to do so. Just before the war broke out he raised a company at Lexington and well drilled it, making a fine infantry company. But it was simply for local protection; there being bad blood between the Kansans and Missourians, and bad men on both sides of the border ready to start the flame. This company was never sworn into service, and when the war broke out it disbanded and some of its members went into one army and some into the other. They parted friendly and met on the field of battle. This company gave rise to a curious hallucination in the minds of the Lexington negroes. They were the first soldiers that any of them had seen, unless some very old ones who remembered 1814 in Virginia. When the war was over some negroes were talking about the punishments that would be meted out to Lee, Davis and others, when one loquacious old woman broke in with: "I tell you, dey's gwine to do sumpn *awful* wid Captain George Wilson, cayse he's de man dat stahted dis here *whole wah!*" Only a few years ago when his son, Joseph,

the ex-Confederate, was drilling a company of blue-coats in the Missouri militia, some negroes were watching him and one old man remarked gloomily and with portentous shakes of the head: "Deys gwine to be anuder wah." When asked why he thought so he answered, "dem Wilsons started dat las' one." And nobody can get them to think differently.

My father had made business engagements and there were large property interests of others in his hands which he stayed at home and cared for at the risk of his life. His wife was in such a condition of health that he felt he could not leave her, and he had then two young children. I was as a boy utterly astounded when, after the battle of Lexington, he told me that the probabilities were all on the side of the Northern States for final victory, for I thought Price was an invincible hero after his capture of Mulligan at Lexington. My father told me that there were two men in the army, both named Johnston, who would make their mark. He seemed to pick them out from and above all others. Some years ago my brother met Gen. Jos. E. Johnston in Washington and asked the old white-headed warrior if he knew Cadet George Wilson at West Point. "I should think I did know him," he answered; "I knew him well enough to borrow his coat to be graduated in," and the old fellow looked musingly at the floor as he added, as if remembering a half-forgotten dream, "it was a better coat than mine."

Had he been either selfish or ambitious he could scarcely have resisted taking up arms on one side or the other during the civil strife, and it would have been with every promise of reward and distinction. For though, perhaps, he might not have developed the high soldierly qualities that Generals Meade and Thomas did, he was very much that type of man. He was a deeply religious man and besides had a strain of Quaker blood in him. His first ancestor of the same surname in America lies buried in the grounds of the Friends' Meeting House in Philadelphia. The commands of religion, as he gathered them from the Bible, were paramount to him,



and when he had maturely reflected on them and made up his mind about them, it mattered not if every one else in the world was against him, he would not act against his own conscience.

His opposition to taking life had grown very strong. He discovered a way to make a gun carriage that would completely protect the gunners behind entrenchments, but he would not publish the information because as he said he doubted the propriety of adding anything to man's power to destroy his fellow men. Yet he was as brave and cool in danger as a man ever was. I once saw a man take dead aim and shoot at him with a rifle, the ball falling in the water near him, and say something threatening about "filling him full of lead." My father had on his waist a pistol with six loads but he did not draw it, but answered the fellow coolly, "well, you haven't all the lead in the world." And the difficulty was afterwards settled in a much better way than if he had done as I expected him to and would have done myself—emptied the whole six shots into the other party.

My father's dislike of slavery grew upon him but the practical question was the difficult one. It was not in the power of any individual to settle the matter, and what to do with the freed slaves, and how to get some one to work in their places seemed questions that had no answer. It was not for the cruelty of slavery that he objected to it, for its dangerous side was that it was so humane; there never had been a place or a time where as many negroes were as humanely treated as the slaves were before the war, nor had the ancestors of these slaves ever been as well off as they. But his objection to it was that it made the slaveholders an overbearing, tyrannical class. He used to say that Kentucky raised the best horses, but Ohio the best men.

The little boy, Henry Triplett, was the son of a Virginia slave who was part Indian; his mother was a nearly white quadroon, whom we all remember as "Aunt Patsy." She was presented to Gen. Street's wife, the oldest daughter of

Gen. Thomas Posey of the Revolution, when a child, for her own maid, coming from the Grymes family of Virginia. When we lived on the farm near Agency the boy Henry saved my mother many a step and was a great help, as he was bright, active and intelligent. Gen. Street's sons took up a claim for Patsy and had to lie out with their rifles more than one night to defend it from "jumpers." Gen. Street set all his slaves free by his will. Henry was to be kept by my father until of age, and before his majority was to be taught a trade. When he was a little boy, he says, he had a great admiration for his master, Wilson, and tried especially to hold himself straight and walk like him. He is now a clergyman of the A. M. E. church, a man of high character and of self-respect, spoken of in the most approving terms by those who know him wherever he is stationed, and a faithful and intelligent worker for the moral elevation of his people. On a visit to Mr. Wilson's sons he said, "I used to think your father was too hard on me and you boys when we were little, but I have many a time thanked him in my mind for his rigid discipline and training." On one of his visits as he was waiting for a late evening train he said, "Get out your father's old leather-covered family Bible that he always used in family prayers when we were boys. I would like to have prayers with you all before I go, as I have so many times listened to my faithful friend and master reading from it." He read and prayed fervently and it seemed to do him much good, and was a gratifying circumstance to all present.

Mr. Wilson said in his later years that he thought he had been too severe a disciplinarian in his early married life. His long military training tended to this. But he was a man who tried to be just, and faithful to his obligations. He was not naturally of a quick mind, but was a person of singularly good judgment. His especial pleasure was in the study of mathematics, and the use of firearms of which he always had plenty. During the reign of the bank-raiding robbers in Missouri, he told his sons in the bank with him not to depend



on the peace officers, and he kept the bank like an arsenal for years. There were so many chances to rob banks without a fight that the robbers, who were always well posted by their friends, would not go where they knew the bankers were ready for them.

Mr. Wilson had handsome, regular features, soft dark-brown curly hair, and eyes in which the grey iris bore a few spots of dark brown. He was the perfection of personal neatness; neither he nor any of the Wilsons before him used tobacco. In early life at Fort Crawford he was a member of the Washingtonian temperance society.

He was especially fond of his old friends, Gen. Dodge and Judge Charles Mason, of Burlington; and, indeed, the important friendships of his life were mainly with Iowa people. Undoubtedly the happiest part of his life was spent on his farm near Dubuque and on his farm near Agency City. The country was new, the soil rich, his faithful companion was by his side patiently bearing the share of burdens that fell to the "helpmeet for him;" hope was in their hearts, life was young and their children were blooming around them. My mother said there never was a happier year in her life than one during which they lived in a one-room log house, their dietary spare of luxuries, and the young soldier trying to be a farmer. Though only in his seventy-second year when he died he had shown greatly the loss of his faithful companion who went before him by two years. He was of so sound a constitution that he ought to have lived in comfort for ten more years; but his death was caused by pneumonia resulting from an accidental cold. He loved the scenes about the old Agency neighborhood, and fancied he would like to live there again, but on going there the year before he died he felt oppressed with loneliness as he saw that "all, all are gone the old familiar faces." And he felt like saying in the words of Beranger:

"Let us be gone, the place is sad and lone;  
How far, far off those happy times appear."

Love for all children and interest in their little affairs

seemed to be the most marked trait of his character. He never passed a child in the street without saying something pleasant; he never lost his lively interest in and sympathy for them. He is buried at Lexington, Missouri, by the side of his wife.

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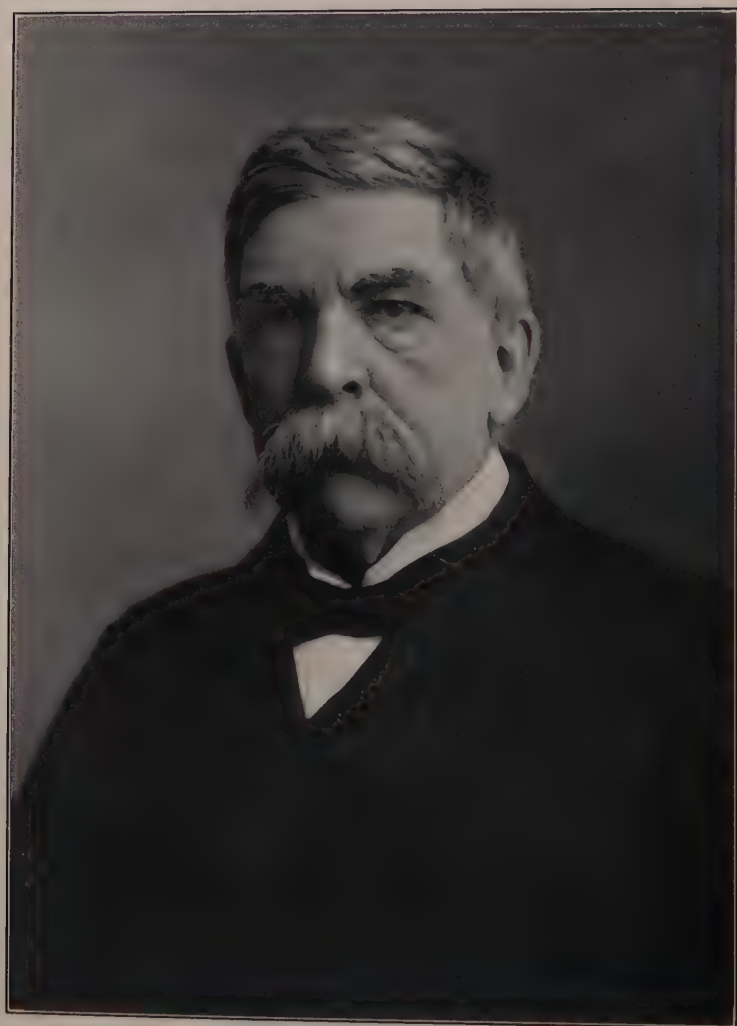
CHOLERA.—This dreadful pestilence still continues to spread death and devastation over many parts of the land. Along the Mississippi its ravages are most fearful. No remedy has yet been discovered that may be implicitly relied upon to check the disease. It is truly a wonderful and alarming malady. Wherever it appears the wail of the dying is heard. The rich and the poor—the proud and the humble, alike bow down to its fearful sceptre. No one can consider himself entirely exempt from its blighting attack. But much may be done to guard against it. Our place has thus far been spared its ravages. Let us endeavor to keep it afar off. In order to do this, all putrid and offensive matter should be removed from the corporate limits of the city, and a thorough renovation be had. It might be well for the town authorities to take the matter in hand and put the place in order. “An ounce of prevention is worth a pound of cure.”—*Western (Keosauqua, Iowa) American, July 19, 1851.*

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NEGRO AND BLOOD-HOUNDS.—A Southerner, en route for Natchez, passed down the river last week, having in charge forty-two full-grown blood-hounds. Having trained them to negro hunting, he expected to realize a fortune for them on his arrival in Mississippi. A more ferocious, bloodthirsty lot of devils was certainly never created.—*Mound City (Ill.) Emporium, Oct. 15, 1857.*







Granville, M. Dodge

## GEN. G. M. DODGE'S HISTORICAL ADDRESS.

At the Camp Fire of the Crocker Brigade, at Keokuk, Iowa, on the 27th day of September, 1900, Major General G. M. Dodge delivered the following address, in which he reviewed the military operations of that command during the civil war. The paper includes several interesting letters by Gen. Crocker, as well as Gen. Dodge's estimate of the value of the military services of that illustrious soldier and of Generals Samuel R. Curtiss, William W. Belknap and James A. Williamson. It is a historical document of great value.

### THE COUNCIL BLUFFS GUARDS.

*Comrades of the Crocker Brigade:* In 1853 I made my first survey across the State of Iowa for a railroad terminating at Council Bluffs. Examinations which I had made on the western plains caused me to firmly believe that if a railway to the Pacific was ever built it would occupy the Great Platte Valley, and have its eastern terminus in the vicinity of Council Bluffs. I, therefore, chose that place as my future home. My profession as a civil engineer kept me so busy that it was 1854 before I had an opportunity to settle down in my new home. My explorations satisfied me that the frontier was in an unprotected condition, and in 1856 I organized, armed and equipped (with the aid of the Governor) a military company, known at that time as the "Council Bluffs Guards," and now as the "Dodge Light Guards."

At that time there was no law in the State of Iowa providing for such organizations, or for in any manner supporting them, so it was only the love for the military that induced anyone to take part in such an organization, and I assure you that at first it was uphill work. My duties kept me on my explorations either east or west, so that I was able to give but little attention to the company. I drilled it thoroughly, however, and had in Lieutenants J. H. Craig, W. H. Kinsman and George E. Ford, young men, spirited fellows, who, in my absence, kept up the organization and felt pride in it.

### MEETING WITH M. M. CROCKER, AND ATTEMPT TO PASS A MILITIA LAW.

Not long after I had organized this company I received a letter from M. M. Crocker, which was very characteristic of



the man. He said he wanted to become acquainted with a man who had the nerve and the presumption to raise a military company in Iowa, and maintain it, as I had the Guards, and asked me to let him know whenever I happened to be in Des Moines, so that he might call to see me. I am not certain, but think that Crocker had tried to raise a company in Des Moines. Soon afterwards we met and became acquainted with each other, and from that day until the time of his death, we were close, fast friends.

Crocker had a great love for the military, and was very anxious that the State should pass a law that would arm, equip and uniform an active militia, with independent companies, and prevailed upon me to take hold of the matter with him. We drafted a good bill, patterned after those of the eastern states, but adapted to the limited population and means of Iowa. I went to Des Moines and had it introduced in the legislature, and, as he was on the ground, Crocker took charge of it. Some time afterwards he wrote me that if I would come on to Des Moines and go before the legislature, he thought the bill could be passed. I believe at that time there was an independent company at Dubuque, and, perhaps, at some other point on the Mississippi river.

I went to Des Moines. The bill was taken up at an evening session, and was kicked and cuffed all over that legislative hall, amended, disfigured, and made so disreputable that it was impossible to recognize it. They really reflected on us for being such idiots as in those days to think of organizing a military force in Iowa, and were of the opinion that persons guilty of spending their time in such work were proper subjects for the insane asylum. We were both thunderstruck at our treatment. I was humiliated and chagrined; Crocker was mad all over, and if any of you have ever seen him mad, you can judge what his language was. We went down to the Kirkwood House, where many of the members of the legislature lived, and when they began to come in Crocker went at them, and I never heard such a

denunciation and word-mauling as he gave them, and, to my astonishment, he made them see what fools they had made of themselves. They proposed to take the matter up again, but I had measured the militarism of that legislature, and, declining to have anything more to do with it, returned to the Bluffs and kept up my own company, which increased in numbers, but was so poor that it was difficult to keep it in a presentable condition as to arms and dress. But the military spirit was growing in the Bluffs. The Indians were threatening and creating disturbances, and Captain Samuel C. Clinton raised an artillery company, which had two six-pound guns. The two companies drifted along until 1861. All this time Crocker was praising and supporting us, writing items for the press, and endeavoring to arouse a military spirit throughout the State.

COUNCIL BLUFFS GUARDS OFFERS ITS SERVICES TO THE  
GOVERNOR.

When we were threatened with civil war in 1861 I felt it would be my duty to take part in it, and so informed the company, stating, that in my opinion, we should declare ourselves. At that time Council Bluffs was settled principally by Mormons and Southerners, and I was greatly astonished to find that every member of the company voted to enlist. I was authorized to offer the services of the company to the Governor, and it is my recollection that Governor Kirkwood stated that it was the first company to offer its services to Iowa in the civil war. The Governor, however, felt constrained to decline the offer of the company's services, giving as his reason in a letter to me that it was the only organized company in western Iowa, and its services and influence were needed there, as there were all kinds of rumors of what the Missourians and Indians would do. I was not so fortunate as Crocker, for upon the declaration of war he immediately raised a company and had it accepted in the Second Iowa Infantry.

APPOINTMENT ON GOVERNOR'S STAFF—SENT TO WASHINGTON  
FOR ARMS.

I wrote Crocker that I was going to Washington to enter the service. The Governor learned of my intention (no doubt through Crocker), and I was immediately placed on his staff, and sent to Washington to obtain arms and equipments for the State. Our Senators and Members of Congress had failed to provide any. I immediately proceeded to St. Louis, where I saw General W. S. Harney, whom I had been acquainted with in my explorations on the plains. He had no arms, but told me that at the Pittsburgh, or some other eastern arsenal, there were about ten thousand stand that appeared to have been overlooked. I proceeded to Washington, where I met Fitz Henry Warren of our State, then the correspondent in Washington for *The New York Tribune*, and a power with the administration. He took me to Simon Cameron, the Secretary of War, who informed me that there were no arms, and he could not furnish the State with a single gun. I asked him if I could find arms belonging to the United States which were not in use if I could have them. He said "yes," but that it would be impossible to find any. I left him and told Fitz Henry Warren about the arms General Harney had spoken of, and he, being far more astute than I, made the bargain with Secretary Cameron a little more definite and certain. We found the arms, and having obtained an order from the Secretary of War, they were shipped to Iowa. There were six thousand stand, a portion of which were sent direct to my own regiment, the Fourth Iowa, of which I had been made Colonel. In going to their destination these arms passed through Keokuk and Burlington. About the time they reached Iowa there was a great alarm on the border, in fact a great scare, and reports that the Missourians were marching in force upon Keokuk. General Cyrus Bussey, who was either in command or was present here at that time, has since informed me that he was the person who seized these arms and distributed them to the organizations that



were forming in this vicinity to meet the Missourians. The Fourth Iowa never saw a single one of these guns. After all my labors, when my regiment reached St. Louis it was armed with old Prussian muskets, and the first time the boys fired them thirteen of them burst; they were more deadly at the butt than at the muzzle.

All this time I was in frequent correspondence with Crocker. He was close to headquarters at Des Moines, and never ceased to sing my praises. While I was in Washington a Brigadier General was allotted to the State of Iowa, and Fitz Henry Warren wanted me to take the appointment, but I felt that it was too great a responsibility for one of my experience, and declined it. Then Secretary Cameron, who had formed a better opinion of me after my having obtained the arms, asked Governor Kirkwood to appoint me Colonel of an Iowa regiment. Kirkwood immediately responded by making me Colonel of the Fourth Iowa Infantry, with instructions to recruit and rendezvous it at Council Bluffs.

Crocker heard of the offer of the star, and my timidity in connection with it, and wrote me a letter indicating that he was about to lose faith in me. He had built me up so to others that he had come to believe himself that I could acceptably fill any position, and that in declining this appointment I had lost a great opportunity. That generalship was given to General S. R. Curtis and the next to General Thomas J. McKean. Every time an appointment was announced Crocker came at me declaring what a fool I had been, and what opportunities I had lost.

The old Council Bluffs Guards joined the Fourth Iowa, every man in the company enlisting. Lieutenant W. H. Kinsman became its Captain, but was soon selected as Colonel of the Twenty-third Iowa, and fell leading his regiment at the charge of the Black Bayou. Lieutenant George E. Ford succeeded him as Captain, and fought through the war. When the company returned home it kept up its organization, and honored me by changing its name to "The Dodge

Light Guard." The sons of the old veterans joined the company, and when the Spanish war came they followed the example of their fathers and enlisted unanimously as Company L of the Fifty-first Iowa Infantry. They, too, were a great credit and honor to the State. They returned home and are now a flourishing company of the new Fifty-first—a part of the National Guard of the State. You who understand all the ups and downs and struggles of that frontier company, will appreciate how I love and honor them, and how proud I am of their record. It is an object lesson to the young men of our State, and if they want to learn to respect power and government, be taught obedience and discipline, and obtain physical development that will last them through life, let them join a company of the National Guard. The State now furnishes every inducement, the government arms, equips and uniforms them, and the legislature has made ample provision and is generous in its appropriations to sustain them.

Soon after Crocker entered the Second Iowa he was promoted to the command of the Thirteenth Iowa Infantry, and it was not long until he was in command of this Crocker Brigade. He won his star and received his appointment as a Brigadier General in 1862, for his masterly handling of his brigade at the battle of Pittsburg Landing. I do not say this from my own observation alone, but also from the testimony of those with whom I was closely associated, who never failed to speak of Crocker when the State of Iowa was mentioned. Sherman and Grant were his friends, and Grant did everything in his power to prolong his life. Many and many a time has he spoken to me of his great promise. After every battle I fought, every promotion I obtained, every new command I was raised to, Crocker was the first to write to me and send his congratulations, and it seemed to break his heart to think how I had at first failed to grasp my opportunities.

#### THE FOURTH IOWA INFANTRY IN THE BATTLE OF PEA RIDGE.

The record of the Fourth Iowa is known to all of you. When I organized it I drilled and disciplined it until the

boys were wishing I was "in Halifax." I endeavored to put them through the same motions they would go through in battle, and over similar ground, and drove them through brush and over hills until the officers said I would bankrupt the boys on account of the new clothing they had to buy, but in their first and last great battle under me, Pea Ridge, where they stood when all others had gone, where, when night came, and they lined up with not a man missing except those who were dead or wounded, and when they were coming off the field of battle without a round of ammunition, they received that great compliment from General Curtis, and under his order charged the enemy with their bayonets across the open field, then it was that they realized what drill and discipline had done for them, and enabled them to do for their country. They saw regiments uselessly exposed and melt away. They then unanimously forgave me for all the hard knocks to which they had been subjected. Sheridan, who was then a quartermaster, speaks in his memoirs of their work for him in this campaign, and said they would always have a warm place in his heart.

GENERAL SAMUEL R. CURTIS ENTITLED TO CREDIT FOR SUCCESS  
OF PEA RIDGE.

At Pea Ridge, which was one of the longest, hottest and most destructive battles, for the number engaged, of any fought in the West, the Fourth Iowa won my first star, and the regiment then fell to the command of one of Iowa's best and bravest officers, General James A. Williamson. In the first reports of this battle that reached the people, the newspapers gave the credit of winning the great victory to General Franz Sigel, and his troops. While that portion of his command that was engaged in the first two days did splendid work, especially a portion of General P. J. Osterhaus' division, still the greater part of General Sigel's command did not take part in the battle until the last day, when one-half of Van Dorn's army had been already defeated by General Jeff. C. Davis, and had fled south, and on the last day we had



only General Sterling Price to meet, who retreated as soon as we attacked him. General Sigel's losses, although he commanded nearly one-half of Curtis' army, were small compared with those of E. A. Carr's and Jeff. C. Davis' divisions. Probably no one had a better opportunity than I to judge this battle. My command opened the fighting, and, I think, was the last to fire a gun. General Curtis, the commander of that army, was entitled to the full credit of that great victory. That battle virtually cleared up the southwest, and allowed all our forces to concentrate on or east of the Mississippi. General Curtis had under him as division commanders several experienced, educated soldiers, who met and defeated on their own ground, three hundred miles away from any base, a force twice as large as his own. General Curtis was attacked in rear and on the flank with great force, the fighting lasting three days, and he defeated, yes, virtually destroyed, General Earl Van Dorn's army, and here, in his home, I take pleasure in giving to him the full credit that he is justly entitled to.

General Crocker's first anxiety when he heard of the battle was for me. The first reports indicated that I had been given a permanent leave by the Confederates, but when he found that I was good for another campaign and had received a promotion, he opened up on the press that had endeavored to take the credit for the victory from his first Colonel, General Curtis. As soon as I was fit for duty I reported to General Halleck, and took a division with headquarters at Columbus. Crocker was then at Bolivar, Tennessee, and wrote me under date of August, 1862, that he was still in command of the Iowa Brigade, and that the creation of new regiments would probably keep him in command of a brigade.

COLONEL M. M. CROCKER APPOINTED BRIGADIER GENERAL.

Immediately after the battle of Corinth, October 3, 1862, I was assigned to the command of the Second Division, Army of the Tennessee. This was the division that Grant

had organized at Cairo. Crocker's old regiment, the Second, and Colonel Elliot W. Rice's Seventh Iowa, were in it. Crocker, as I have stated, had been appointed a Brigadier General, but the Senate had failed to confirm him in that position. Here was my opportunity to return in part some of the favors he had shown me, and I immediately took the matter up with our delegation in Congress, urging his reappointment and confirmation. Governor Kirkwood, and Hon. John A. Kasson, my own representative, responded promptly, but the matter dragged along, and for a time nothing was accomplished. In the meantime, Crocker with his brigade had gone to General Grant down the Mississippi, and on February 13, 1863, he wrote me as follows:

LAKE PROVIDENCE, LA., FEB. 13, 1863.

After spending ten days encamped opposite Vicksburg, we were ordered to this place, which, by the way, is a most delightful situation, for what purpose I am unable to say. I hear of you frequently. I saw Gen. Grant this morning, and asked him if you were not to be ordered to the front. He said that you were a good man for any place, but that you could not be spared from Corinth. This division, you perhaps know, is in McPherson's army corps, the 17th, I believe, composed of McArthur's, Logan's and Quinby's. As far as I can judge, it is in much better condition than any other portion of the army down here, indeed, I do not think that crowd of poorly cared for, poorly drilled, discouraged and sick fellows that I saw in the mud opposite Vicksburg can properly be called an army. No enthusiasm, no discipline, no pride, not anything that leads to success in fighting. I was greatly disappointed, and, I confess greatly discouraged; the men are as good as any, but there is something wrong and I fear it is in the officers. I saw Col. Williamson; he was not looking well—had not fully recovered from his wounds received at the storming of the works at Vicksburg. I did not see your old regiment. I am satisfied that the authorities at Washington made a great mistake in not brigading the troops from each state and putting them in divisions together to be commanded by their own officers, for after all, public opinion at home is the tribunal most feared, and if we command men from our own state we are more interested to take care of them.

I received a letter from Tuttle today; his health he says is bad. I am sorry to hear it, for I hoped to see him down here. Ransom is in our division, commands the 2d brigade. He is a glorious good fellow. Do find time to write me a few lines, if not more.

General Crocker often refers in his letters to General T. E. G. Ransom, of whom he had often heard me speak.

Ransom and myself were cadets together at Norwich University, and, like Crocker, he had a great future in the army, for he was a splendid soldier. You all remember that he died on a litter while in command of my corps, on the chase after Hood in the fall of 1864. Like Crocker, he was one of my closest and dearest friends. He remained on duty when he should have been in the hospital, simply because he was fearful something might happen to the corps during my absence. After his death General Sherman paid him the highest possible tribute that could be spoken of a soldier.

On the first of February, 1863, Congressman Kasson wired me as follows: "I have this morning ascertained from Stanton in person that Crocker and Mathies are nominated to be Brigadier Generals." On February 27, 1863, I wired from Corinth to Kasson: "See that Crocker goes through; we must not lose him. Show this to the delegation. There is not an officer but backs him."

I cannot refrain from quoting here a dispatch from my old Adjutant, who succeeded me as Colonel of the Fourth Iowa, General J. A. Williamson. The dispatch is dated Vicksburg, January 28, 1863, and is as follows: "Crocker is here. Speaks highly of you and also says Governor Kirkwood has been urging my appointment as a Brigadier General. This is news to me as I have no aspirations in that way." You see our Iowa officers were doing their duty and earning their promotions from their records in the field. Crocker's nomination went through all right, and on March 19, 1863, he wrote me the following letter:

LETTER OF GENERAL M. M. CROCKER.

LAKE PROVIDENCE, LA., March 19, 1863.

I have delayed writing for several days until I should hear from Washington, as my future course depended somewhat on the result there. We have just heard of my confirmation, and I am going in a day or two to Vicksburg to see Gen. Grant. I feel so grateful to you for the interest that you have manifested in my promotion, and the service that you have rendered me, that I could swim the bayous from here to Vicksburg to do you a favor. When I return from there I will write you fully.



As far as I can see, military matters here are at a standstill. Until more troops can be brought down, all the schemes about chutes, cut-off and canals seem to be humbugs, gotten up for the purpose of killing time and distracting attention from the real game; but something may happen soon. I wish you were here.

The campaign in the rear of Vicksburg was a severe one, and after it was over Crocker had to take a leave of absence. The fatal disease that had hold of him was developing, and we all knew it. General Grant was aware of it, and tried to save him, for in this campaign he developed the soldierly qualities that we all knew he possessed. After arriving at Des Moines he wrote to me as follows:

DES MOINES, July 2, 1863.

I have been absent from Vicksburg, you know, for some time. When the movement from Milliken's Bend commenced General Quinby was absent sick, and I was ordered forward to take temporary command of his division. I overtook the division at Port Gibson, just after the fight, and had command of it at the battles of Raymond, Jackson, and Champion Hills, and up to Vicksburg, when Quinby having returned, I was relieved and made Chief of Staff for the Seventeenth Army Corps, a nominal position for the purpose of enabling me to stay around until after the fall of Vicksburg—we then thought of taking it by storm. I waited eight days and until the idea of storming was abandoned, and then obtained from General McPherson an order to report at St. Louis for medical treatment; came to St. Louis and had an operation performed on my throat and got leave to come home. My health is much improved, and I will start back on the 5th.

During the time I commanded Quinby's division it acquitted itself with great credit, and I made some reputation out of it. I do not know what command I will have when I get back but the best one at their disposal, I think.

It was a good thing to get rid of McClelland, and now that he has gone. I do not think there can be much difficulty. I like Ord, and think he will do.

I came home in time to be present at the Republican convention. I found them hell-bent on nominating some military hero. Warren and Stone were both on hand urging their claims. I could have been nominated, but declined peremptorily. I told them that if they must nominate a military man to select one who had seen the enemy, and who had a good record, and suggested your name, but when asked if you would accept, I was compelled to say I did not believe you would, with your views and prospects, consent to sever your connection with the army. Had I felt at liberty to give any assurance in your name you would have been easily

nominated. They did not want Stone, but preferred Stone to Warren. The Copperheads talk about nominating Tuttle, but Tuttle won't accept.

After a short stay at Des Moines, Crocker returned to Vicksburg and wrote me the following letter, which I read to show you his high sense of honor, his unselfishness and his attachment to a friend:

VICKSBURG, July 21, 1863.

I arrived here yesterday and found the city warm, dusty and generally as disagreeable as possible. I have been assigned to the command of Lauman's division (the Fourth), at present attached to the Thirteenth Army Corps, General Ord's. I have not reported for duty yet, but am waiting for the corps to return from Jackson; will probably start out in that direction tomorrow. Our old friend Lauman has been relieved. His force came upon the enemy strongly posted, with a battery, his skirmishers being advanced about thirty yards, so that he was cut up before he knew what was the matter. He thinks he exercised abundance of caution, and that great injustice has been done him. General Tuttle is out in the direction of Jackson with General Sherman. I have not seen him and cannot hear much of him. I wonder what he will think of the action of the Copperhead convention?

Ransom is at Natchez capturing beef, but will return in about ten days. In the siege he greatly distinguished himself and deservedly stands very high.

General Grant in connection with the order assigning me to duty with General Ord, ordered Rawlins to give me an order to him, which I will take the liberty to send you a copy of:

General: I am directed by the Major General Commanding to say that Brigadier General M. M. Crocker has been ordered to report to you with the view to his assignment to the command of Lauman's division. He is an officer brave, competent and experienced, in whom you may place the fullest confidence, and grant the greatest discretion without fear of the one being misplaced or the other imprudently given.

Signed,

JOHN A. RAWLINS, A. A. G.

General Grant takes every occasion to speak in the highest terms of you and myself as the two Iowa men in whom he takes stock; he may be mistaken, but it is none the less a compliment to us.

Quite a number of Colonels have been recommended for promotion, but no Brigadiers have as yet been recommended. I do not know that any will be. I know that you ought to be promoted. After you, my claims are just as good as anybody's. I would not, if I could obtain it, accept promotion at your expense. Tuttle deserves promotion, if he had not allowed himself to be hurt by his political aspirations, that may stand in his way. I will see him as soon as I have an opportunity, and if he thinks he can make the rifle I must help him. One thing is certain, I cannot enter into com-

petition with a man who has been as good a friend to me as Tuttle. Let me hear from you.

GENERAL JOHN A. RAWLINS' VISIT TO WASHINGTON.

After the fall of Vicksburg General Grant sent General Rawlins to Washington for the purpose of giving the President a full account of his campaign, and also sent by him his recommendations for promotions. On that list General Grant had done me the great honor to place me at the head of the list for promotion to the rank of Major General. Many of you can remember the very favorable impression General Rawlins made. He appeared before the President and his Cabinet and gave that remarkable description of Grant and his Vicksburg campaign, and what he said on that occasion fully developed to the world the great qualities of that modest man. The only recommendation Grant made at that time for promotion that they acted upon was to make Rawlins a Brigadier General. Not one of the other recommendations, even after many subsequent requests from Generals Grant and Sherman, was acted upon until the year following. Grant and Rawlins supposed that such a great victory would bring several promotions, but the pressure east was so strong that Rawlins afterwards said that Vicksburg was almost forgotten.

I had recommended that Colonel Elliot W. Rice, of the Seventh Iowa, be made a Brigadier General. He was an admirable soldier. To make sure that my recommendation reached General Grant's personal attention, I sent it in a letter to General Crocker, who knew Rice, and asked him to present it and add his recommendation. In August, 1863, I received this response from Crocker:

I took your recommendation of Colonel Rice to General Grant, and he endorsed a strong approval on it. He told me that he had recommended you for promotion in the strongest terms, and that you would be made Major General. I hope you will be, and since talking with him have no doubt you will be. Let me hear from you.

In August, 1863, General Crocker was transferred from the Thirteenth to the Seventeenth Army Corps with his di-



vision and General T. E. G. Ransom's brigade, and was assigned to the command of the district from Grand Gulf to the Louisiana state line. You are all aware that he stayed with his command much too long for the good of his own health, for when General Grant left Vicksburg there was no one to watch over him or send him away. I wrote General Grant what I had heard about Crocker's condition, and suggested that he be given a command on the plains, or in a climate better adapted to his condition. I also wrote to Crocker, and received the following letter from him while I was in the Atlanta campaign:

DES MOINES, 24th June, 1864.

Yours of June 9th has just come to hand. I am rejoiced to hear from you. I have all the time heard of you. I desire before saying anything more to congratulate you upon your promotion. Your friends here are greatly pleased thereat, none of them more pleased than myself.

I yielded to the necessity that compelled me to leave the field with great reluctance, and hoping against all probability, I stayed longer than I ought, so that I came very near dying, but I am better and improving rapidly, I think.

I do not know what disposition they are going to make of my resignation at Washington. I received a dispatch from Governor Stone and a letter from Kasson to the effect that the Secretary of War would arrange for me a separate command on the Pacific, thereby giving me a chance to try the effect of a change of climate on my bronchitis. In answer to these I sent to the Secretary a withdrawal of the resignation upon the condition that I was assigned to such command, but I am not particular about it, and since I can't serve with my old comrades I don't much care to stay in the army.

If you see Clarke say to him that I have been expecting a letter from him. And do please write to me yourself whenever you can find time. I suspect you are now pretty busy. Whenever I learn what disposition is to be made of my case I will write you. There is no news. Kasson will be renominated without a dissenting voice. Hub Hoxie sends his regards; he lets on to be very busy and I suppose that he is. He says he has a kind of general supervision of affairs, civil and military, in the State, and has divers times threatened me with arrest, and since I find his office a very convenient place to sponge stationery, envelopes, &c., I have not seen proper to dispute his authority. Let me hear from you soon.

#### ASSIGNMENT OF GENERAL CROCKER TO DUTY IN DEPARTMENT OF NEW MEXICO.

Upon request of General Grant, General Crocker was sent to New Mexico to report to General James H. Carleton,

in hopes that the dry climate would restore him to health. There was nothing for him to do there but get well, but he was restless, and chafed under the fact that he could not be in active service. He appreciated that his disease was making rapid strides, and therefore decided to go home to die.

In December, 1864, after recovering from the Confederate leave of absence given me in front of Atlanta, I was assigned to the command of the Department and Army of the Missouri, and soon afterward the Department of Kansas, then commanded by General Curtis, was merged into mine, in order that I could make the Indian campaigns that followed in the winter of 1864, 1865 and 1866. Crocker kept in correspondence with me, but I was on the plains most of the time, and away from communication, and it was a long time before his letters reached me. On his return from New Mexico he went to Washington, and I received from him this letter:

CHICAGO, ILL., May 17, 1865.

I arrived at this city last night a good deal tired out, but am rested, and start home by Dix's Air Line at 7 o'clock this p. m.

I have heard today from a New Mexican gentleman that Major General McCook has been ordered to New Mexico to supersede General Carleton, and that McCook has passed through St. Louis en route. Let me know if you heard anything about this; if you saw McCook and know from him his destination.

Secretary Stanton told me to write General Carleton and say to him that he duly approved his official conduct in managing his department, and that the General might rely upon the support of the War Department. He did not mention McCook.

Now, if at the time the Secretary told me I might write these things a General was on the way to Santa Fe with the Secretary's own order to relieve Carleton, it would look like very unnecessary trifling; indeed I can't believe it. But, if it turns out to be true, then I will write a private letter to Secretary Stanton giving him my views of his conduct. This, if he were fifty Secretaries of War and I much less able than I am to "turn a tide in a dead eddy." Let me hear from you.

General Alex. McD. McCook, whom Crocker mentions, had not been ordered to New Mexico, but had been sent out to my department with a commission to make treaties with

the Indians. I wrote Crocker to this effect, and in answer received this letter:

DES MOINES, 24th May, 1865.

I arrived home all safe and am improving rapidly, I think. At any rate, I am able to circulate to some extent. I found my wife and all my babies well, and everything at home satisfactory. Have not seen many of the people; they seem to be jogging along very much after the same old sort.

I am very much relieved to learn that McCook was not ordered to New Mexico. Of course if he had gone to relieve Carleton, Carleton would have said at once that the statement contained in my letter of my conversation with the Secretary of War was a lie, and it would look decidedly like it. I see that Sheridan has gone to Texas. This, I suppose, will prevent an expedition from your department. However, I don't think it will make much difference. Kirby Smith will probably disband or surrender, and if you made the expedition all there would be of it would be a hard summer's work and very little glory, for the public are so hell-bent on considering the war closed that no expedition that can now be made would attract much attention.

I do not know what I will do, only if I live I will try to draw my pay regularly during my ninety days' leave, and maybe by the time my leave is out I can make up my mind.

Give my kind regards to Hub, and let me hear from you.

The expedition Crocker refers to in the foregoing letter was one Grant had ordered me to make through Southeast Missouri, Arkansas and Texas, to clear up the forces there which had refused to surrender. They included Generals Jeff. Thompson, Kirby Smith, Taylor and others. My force had only reached White River when Thompson, with about six thousand men, surrendered, and the other forces surrendered at the same time to General E. R. Canby, which, as Crocker suspected, closed up my campaign in that direction.

#### DEATH OF GENERAL CROCKER.

Soon after this I started on a campaign against the Indians that took me as far north as the Yellowstone River, and I heard nothing more from General Crocker until I received a telegram out on the plains from my aid, Major George C. Tichenor, notifying me of General Crocker's death, which occurred in Washington on August 28th. I was too far away to hear or take part in the tribute paid him by his State



and country, who knew the value and appreciated accordingly his services. His commanding officers placed such a high value upon his ability that they used every means to prolong his life. He would have preferred to fall at the head of his column in battle, but, like the good soldier he was, he was willing to take whatever was in store for him. Nothing I can say to this brigade tells so forcibly and clearly of the man as the personal narrative I have so imperfectly given you. Crocker stamped himself a natural born soldier the moment he put on his uniform. Every commanding officer mentioned his services and recommended him for promotion. They had all great faith in his ability and judgment. His bravery was unquestioned, and had he retained his health he would have risen to the highest rank and command in the army.

The great State of Iowa has perpetuated his name and fame in the monument they have raised to him in our capital, but no work of painter or sculptor can picture him to the world as his commanding appearance and soldierly acts are impressed upon the minds of you, who served so faithfully with him.

You are assembled at the home of another of your commanders, who was also a close personal friend of mine. We who knew him best honor him most, and as time goes by he is given the credit that his acts and services entitle him to receive. I can only pay my tribute to him. Everyone in the Crocker Brigade and Army of the Tennessee knew of our old friendship.

There is one circumstance connected with your brigade when General W. W. Belknap was with you and the Sixteenth Corps that may interest you. The night after the battle of Atlanta, on the 22d of July, when you were lying on that bald hill where the battle had raged so fiercely, General Logan, General Blair and myself met under a tree near the Augusta Railway, just behind the intrenchments of the Fifteenth Corps that the Confederates had broken through and

captured Captain J. C. DeGress' Battery, which was retaken by Colonel Aug. C. Mercer's Brigade of the Sixteenth Corps, and General C. R. Wood's Division of the Fifteenth. General Blair told General Logan that his force on Leggett Hill was nearly worn out fighting first on one side of the intrenchments and then on the other, and asked him to send a force to relieve them. On that night nearly every man in the Army of the Tennessee was in a similar situation. Mercer's Brigade of the Sixteenth Army Corps was bivouacked right near where we were standing, and I told Blair I would send that brigade in to relieve them. They reached you some time before midnight, and gave you a chance to have a deserved rest. Colonel Mercer's Brigade had that day fought on three parts of the battlefield. His own regiment, the Ninth Illinois Infantry, had been mustered out of service several days before the battle, and were awaiting transportation home. There was no reason why they should take part in the battle, but they went in with the rest of the brigade, and, as you know, lost heavily, and were a part of the command that went to your relief. Of such material was made that great Army of the Tennessee.

My comrades, I thank you for the invitation you have given me to be with you, and doubly so that it has presented the opportunity I have long wished for to pay my tribute to your great commander, General M. M. Crocker, and also to testify to the bravery of your other distinguished commander, General William W. Belknap, and testify to the respect, honor and love I bear him.

## CHARLES MASON—IOWA'S FIRST JURIST.

BY HON. EMLIN M'CLAIN.

An interest, almost as romantic as that which attaches to the discoverer or the pathfinder, surrounds the pioneer law makers of a new community. They introduce into the wilderness the essential element of civilization—order in civil affairs. The law maker considers the circumstances and the needs of the people who are associating themselves together under new surroundings to build up a state, and aims to provide for their present and future civic welfare. The judge attempts, while administering justice between litigants, to mold the system of law which he finds at hand so that it shall be suited to and keep pace with the anticipated growth of the institutions under which the people are to live. Each is conscious of a freedom and responsibility in determining what shall be the tendency of the course of development which can be enjoyed to but a slight degree by those who follow him.

The constitution maker, the legislator, the codifier in a new state, each has some of the opportunities for indulging in philosophical considerations as to the functions of government and the proper relations of the subject to the state which furnished such intellectual delight to Plato, Locke and Bentham, coupled, however, with the responsibility for keeping his theorizing within the bounds of practicable administration which those theorists lacked in their abstract speculations. That which has become obsolete in the systems of law which serve for models can be pruned away and plainly desirable reforms can be introduced, without the controversy involved in changing an established order of things. It is easy at the beginning to abolish the peculiarities of sealed instruments; to wipe out absurd fictions as to the status of married women; to eliminate the complicated rules of evidence depending upon the technical doctrine that

a party cannot be a witness; and to bring the rules of pleading which have been perpetuated from a time when functions of court and jury were very different, into harmony with the present methods of trying cases. So the judge can refuse to follow precedents which have become objectionable, and set up new guide-posts. Thus it was that the Supreme Court of the Territory of Iowa could hold a note under seal to be a negotiable instrument and the Supreme Court of the State could find that cattle running at large were "free commoners," the uniform rule of the common law in this respect to the contrary notwithstanding. The credit for ability and originality still given in many of the states to the early courts as compared with the courts of a later day in the same states is largely due, no doubt, to the opportunities they had, rather than to the inferiority of the later judges; nevertheless, the early judges who could rise superior to the difficulties with which they were necessarily surrounded when able lawyers were few and law libraries were limited, could appreciate the necessities of a rapidly developing country and could foresee the outcome of problematical changes, are justly entitled to the greatest praise.

Judge Mason, as the Chief Justice and most influential member of the Supreme Court for the Territory of Iowa, and as the draughtsman of the first code for the new State, is entitled to the great distinction of having done the most notable and satisfactory work in both of these fields. The object of this paper is to point out some of the particulars in which the excellence of his work is shown and thus help in forming a just estimate of his character and ability as a jurist.

Charles Mason's education and training were not such as to specially prepare him for the technical work of a judge. If he succeeded in that work, it was rather by reason of natural qualities of mind than special attainments, either as a student or a practitioner. Perhaps the requirements for a position on the bench of the new Territory were not so exacting as those of a similar position during a later period in the



history of the State; but as will appear when the work he did is noted hereafter in detail, he dealt successfully with technical questions of procedure as well as with general principles of law.

Entering West Point as a cadet in 1825, when nearly twenty-one years of age, he graduated in 1829 at the head of his class, Robert E. Lee and Joe Johnson, both subsequently noted confederate generals, being members of the same class, and on graduation he was assigned to the engineering corps. He served for the two years following as assistant professor of engineering at West Point and then resigned from the army. It should be said in connection with this reference to his military experience that at the beginning of the War of the Rebellion Judge Mason tendered his services to the Governor of Iowa in connection with the raising of troops for the defense of the Union, but for some reason—perhaps because younger and more ambitious men were pressing for recognition—he was not given an opportunity to turn his military training to account in the service of the country; and beyond acting as one of the commissioners appointed in 1861 by the Legislature to control a State war fund, he had no part in the military history of the State. He was in politics a Democrat, but his opinion in the first case decided by the Territorial Supreme Court in which it was held that there could not be slave property in Iowa (the case of *Ralph*, hereafter referred to) would indicate that he was not a sympathizer with the pro-slavery attitude of his party.

Mason had studied law while a professor at West Point, and after resigning from the army he practiced at Newburg, New York, for two years, and then for two years in New York City. Here he was a contributor to the *Evening Post* under William Cullen Bryant, and for a year or more he was managing editor of that paper while Bryant was absent in Europe. Then he came to Burlington, served a year as district attorney while Des Moines county was still a part of

Wisconsin, and was appointed by the President in 1838 as Chief Justice of the Supreme Court of the newly formed Territory of Iowa. This position he held for nine years, and until the creation of a State Supreme Court on the admission of Iowa to the Union. Immediately after leaving the supreme bench he was selected by the Legislature to act as one of three commissioners to prepare a code for the State, which was adopted in 1851. The thirteen years of his life, therefore, from the time he was thirty-four years of age, cover the period of his activity as a public jurist and it is to this period that the present paper relates. It is enough to say of his subsequent life that for the following four years he was United States Commissioner of Patents, and from the expiration of this term of service until his death in 1882 he was actively engaged in the management of various and important financial enterprises at Burlington.

In relation to the work of the Territorial Supreme Court as a whole, the significant thing seems to be that there was so little of it. At the first term, July, 1839, but one case was decided, so far as reported, and though that case was one of great public importance the report of it, arguments included, occupies but seven pages. At the December term ten cases are reported as decided, and in all of these Judge Mason wrote the opinions. Of the following July term, twenty-one cases are reported, in all of which, save four, and these of small importance, Mason wrote the opinions. Indeed, in the whole seven years of its existence the court decided only one hundred and ninety-one cases, and in only twenty-five of these were opinions written by either of the other two judges. Chief Justice Mason must have been largely predominant not only in the labors but in the judgments of the tribunal.

It will be interesting now to notice some of the questions which came before this court, and how Judge Mason dealt with them. The first one involved the interesting question of the status of a slave under the laws of the territory.

Ralph, a colored man and formerly a slave in Missouri, had been allowed to come to Iowa under a contract to pay a stipulated sum for his own freedom, but this sum not being paid within the time agreed upon, the former master commenced proceedings to recover possession of him, and Ralph was delivered by the sheriff of Dubuque county to the master for transportation to Missouri. The colored man took legal steps for release, it being claimed for him that by the terms of the Ordinance of 1787 for the government of the Northwest Territory, which ordinance had been extended over Iowa, and by Congressional legislation, slavery was prohibited in the Territory; and further that the master, by permitting the slave to come into Iowa where slavery was not recognized, virtually manumitted him and could not afterwards recover him as a fugitive under the so-called fugitive slave law. On the other side it was contended that the congressional declaration of 1820, known as the Missouri Compromise, which prohibited slavery in the territories north of latitude thirty-six degrees and thirty minutes was not intended to operate without further legislation, and that even if it was intended to so operate it was not effectual to work a forfeiture of previously existing property in slaves. In the opinion Judge Mason declares that the Missouri Compromise was intended of its own effect to terminate slavery in the territory described, and that, when the slave was allowed to become a resident of Iowa, property in him ceased to exist. The opinion contains no elaborate or ostentatious declaration of general principles; but the questions in controversy are clearly stated, and the validity of the Missouri Compromise as a prohibition of slavery in the free territories is fully announced. The conclusion of the court in the whole matter is thus tersely stated: "When the slave-owner" seeking to retain the custody and control of his slave "illegally restrains a human being of his liberty, it is proper that the laws, which should extend equal protection to men of all colors and conditions, should exert their remedial interposition." It is to be remembered that Chief

Justice Taney and a majority of his associates on the bench of the Supreme Court of the United States in the famous Dred Scott case subsequently declared the Missouri Compromise invalid and denied any legal status in the free territories to one who had been a slave. The correctness of this conclusion of the federal court as a principle for the guidance of the administrative branch of the government was one of the burning issues of the presidential campaign of 1860, and as a result of the election of President Lincoln the entire theory of the majority of the court was overthrown and cast aside. The former slaves were treated as men with rights, in accordance with the views of Judge Mason, and not as the mere chattels which Chief Justice Taney had declared them to be.

In an action on a promissory note under seal \*it was held without discussion of authorities that the affixing of a seal to such an instrument did not prevent its being made a negotiable instrument under the terms of the laws of Michigan on the subject, and that a subsequent statute of the Territory of Iowa allowing fraud to be pleaded as a defense to a negotiable note did not apply to a note already executed before the statute was passed, even though the note was under seal. This conclusion is based on the language of the Ordinance of 1787 which declares in general terms that "no law ought ever to be made or have force in the said Territory that shall in any manner interfere with, or affect private contracts or engagements, *bona fide* and without fraud, previously formed;" and *incidentally* the prohibition in the federal constitution against the impairing the obligation of contracts was referred to. It was found that the suit by the holder, though he took the note before the passage of the Iowa statute, was, however, brought in the name of the payee, and therefore on the authority of a Delaware case it was decided that the defense of fraud might be pleaded.

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\*Temple v. Hays & Hendershott, Morris, p. 9.



In another case\* the fundamental principle, so often announced in later decisions, that the Supreme Court, having no power to try an issue of fact before a jury or send it to a district court for such trial, could not interfere with the verdict of the jury in the lower court on the facts, was laid down. Another principle, often since recognized, was announced, that a strong case must be made out to authorize the Supreme Court to interfere with the exercise of discretion by the lower court in refusing to grant a new trial.

In a suit against the Commissioners of Dubuque County† the court had to deal with a county seat election contest and discussed elaborately the want of power on the part of the Supreme Court to issue writs of mandamus and other such writs not pertaining to the exercise by that court of its appellate powers.

Another case involved‡ a question of great moment in the young commonwealth. By act of Congress it had been provided in 1807 that settlers on public lands without right previously acquired from or recognized by the United States should be subject to the penalty of a forfeiture of all rights in such land and removal by the marshal. When the Territory of Iowa was organized, there were within its limits over twenty-five thousand people who lived on public land, none of them, except the few who had title in portions of the so-called Half-breed Tract, having any title or right recognized by the federal government to the lands on which they lived. The claims of these squatters to the occupancy of and improvements on their respective tracts were treated, however, among themselves as subject of sale and purchase, and the question was whether such transactions were of any validity. The court concerned itself very greatly (and very properly) with the effect upon the welfare of the people which would result from holding such transactions illegal, and it sought for and found a theory

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\*Brazelton v. Jenkins, Morris, p. 15.

†United States ex rel. Davenport v. Commissioners of Dubuque County, Morris, p. 31.

‡Hill v. Smith, Morris, p. 70.

upon which they could be sustained as lawful. It is said that Congress could never have intended "to disturb the peaceable and industrious husbandman whose labor was adding so much to the public wealth, changing the barren wilderness into fertile fields, and calling into almost magic existence whole states and territories, whose prosperity and power are constantly adding so much to the strength and glory of the nation." The whole opinion is an example of the ingenuity which a court may properly resort to in order that justice and not injustice shall result from the administration of the law.

In another case \*this question was considered, whether aside from special authority in some statute a partnership could sue in its firm name. The court deliberately and avowedly disregarded the precedents of common law practice and held that such a method of bringing suit was allowable, and established that as the rule for Iowa.

Indeed this liberal spirit in the interpretation of the law is fully exemplified in many of these decisions. Without further citation of particular cases it will be sufficient to notice a few examples. In condemning the attempt to defeat a criminal prosecution on a mere technicality the Chief Justice, speaking in the first person, declares that "I would give the accused every reasonable opportunity to enable him to vindicate his innocence, be liberally indulgent to his objections, to whatever might have a tendency to convict him unjustly, but never, unless from necessity, open an aperture through which guilt and innocence may alike escape with impunity." And he continues: "I know a somewhat different rule was early adopted in the English courts and has been followed with rather a blind acquiescence in most of the States of the Union. The rule originated when the laws of England were written in blood, and was the result of the humanity of her judiciary, struggling to weaken or evade the san-

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\*Johnson & Co. v. Smith, Morris p. 105.

guinary edicts of tyrants. The judges had no power to annul or even to mitigate the law which affixed death as the penalty for many of the minor offences, but they could and did give the accused the benefit of delay, and even of ultimate escape, by sustaining objections to indictments for formal and trivial defects. If they could not modify the severity of punishments too severe, humanity prompted them to diminish their certainty. With us the case is very different. Following the dictates of humanity and sound policy, we have gone far to revolutionize the penal code of our ancestors. Our legislators recognize the maxim that certainty of punishment is better than severity. Under these circumstances it seems to me the courts should do all they justly can to render punishment the inevitable consequence of transgression. Instead of blindly adopting rules dictated by humanity, under circumstances so totally different, we should apply the principles of reason to our own laws and present situation."

In the same strain of respect for common sense in the administration of the law and regard for reasons that shall appeal to all, the following language is used in another case where a convicted criminal sought to escape punishment because of an alleged want of technical verbiage in an indictment: "This perhaps may be thought a deviation from the ordinary current of judicial argument, but if it be so we think it a deviation on the side of reason. Courts should accommodate their decisions, so far as is compatible with justice, to the common sense of mankind, if they would secure for the law its ablest guardian—public respect. There is some reason to apprehend that criminal justice has been already in some instances so disguised by technical refinements and subtleties, as to become a subject of ridicule to men whose minds are unbiased by their peculiar education or interests. This feeling ought not to be increased by increasing the cause, but on the contrary, where the current of authority is not too strong, we should seize all occasions to bring back

the rules of decision to such a standard as the common reason of mankind may sanction and approve."

In regard to the weight to be given to precedent this forcible language is used under similar circumstances: "Where authorities are thus discordant, we should resort to principle by which to guide our decision. In fact it seems to me that reason should in such cases be appealed to in the first instance, relying upon authority to direct us only where our natural guide becomes incompetent. To bow blindly to any decisions, however respectable, is to subject ourselves to the risk of misapplying those decisions, of improperly engrafting them upon statutes different from those to which they naturally apply, and at all events of keeping alive abuses and absurdities which such a course will inevitably create and perpetuate in any branch of science. Frequently, at all events, we should, in nautical language, 'take an observation' to determine by the fixed and unvarying lights above whether some uncalculated current of authorities is not drifting us from the great object we are endeavoring to reach—the administration of justice. This is more particularly important when we are founding a judicial system for an independent community. The decisions of other courts should be treated with high respect, but they should be regarded in the light of wise counsellors rather than that of arbitrary sovereigns."

All the opinions above referred to or quoted from are by Chief Justice Mason. They illustrate the homely good sense and sound legal discretion constantly made use of by him in administering the law. They show that he wielded a trenchant pen and was capable of stating his views with such terseness and clearness as to leave no doubt as to his conclusions or the soundness of the reasoning on which they were based. In construing a statute he says of the legislators that in "lugging in" a certain provision "by the head and shoulders they have spoken so as not to be misunderstood." And on his part he never exhibited any hesitation in taking the bull by the horns when a difficulty was to be handled.



It is not extravagant to say that in the vigorous manner of so treating legal difficulties as to reach sound results Chief Justice Mason is to be likened to Chief Justice Marshall of the United States Supreme Court. Each came to his position without great reputation as a jurist; each had successors who surpassed him in technical knowledge; but neither was ever surpassed on the bench which he graced, as a great expounder of the law in its formative condition when reason rather than authority must furnish the best guide to wise conclusions.

Distinguished as were the services of Judge Mason on the bench, his most marked influence on the laws of the State was exercised in drafting the first code of the State, the so-called Code of 1851. The Revised Statutes of the Territory, published in 1843, compiled by a joint committee of the Legislature and arranged by the Secretary of the Territory, was a mere aggregation of existing statutes, under general headings selected with more or less discretion as the case might be, and arranged in alphabetical order. The results of this plan were in some instances truly wonderful. You find for example edifying chapters on Abatement, Agent, Auctioneer, Acts Amended, Blacks and Mulattoes, Chancery, Dogs, Right, Gaming, Immoral Practices, Grocery License, Laws, Prairies, Right, Stallions and Jacks, Wolves, and Worshipping Congregations; and you marvel at the high regard for consistency and convenience which seems to have dominated the minds of the compilers in selecting the titles and thus determining the order of the contents. It must have required the concurrent wisdom of master minds to collect provisions as to commissioners to sell county lands, a superintendent of public buildings at Iowa City, and commissioners to sell town lots in Iowa City, all under the head of Agents; to arrange in another chapter designated as Acts Amended, various provisions relating to taking up strays, fixing terms of court, regulating criminal procedure, and sales under execution; to place provisions re-

lating to the offense of swearing within the hearing of a religious assemblage in the chapter on Immoral Practices and those as to the disturbance of a religious meeting by profane swearing, vulgar language or immoral conduct in a chapter on Worshipping Congregations in a distant part of the volume; to bring together two different codes for the government of the militia, one of which wholly superceded the other; to treat Bills of Exchange in one place and Promissory Notes in another; to treat the Action of Right as a substitute for ejectment and again among the R's; to insert in the chapter headed Repeal, and regulating the effect of the repeal of a statute, a section repealing "An act respecting seals"; to collect statutes as to Roads in one place and insert elsewhere as the sole topic under Supervisors a section as to penalties for refusing to work on the roads, while provisions as to Road Tax were placed in a chapter between Trespassing Animals and Townships; and to treat Boats and Vessels in one chapter and Watercrafts, Lost Goods and Estrays in another.

By an act of the First General Assembly of the State convened in January, 1848, in extra session, a commission was appointed consisting of "Charles Mason, Des Moines County, William G. Woodward, Muscatine County, and Stephen Hempstead, Dubuque County" "to draft, revise and prepare a code of laws for the State of Iowa." The commissioners were directed to "prepare a complete and perfect code of laws, as nearly as may be, of a general nature only, and furnish a complete index to the same when completed." The task thus set before the commissioners was certainly one of great magnitude for even an infant commonwealth, and it was discharged "as nearly as might be" by the preparation of a code of three thousand, three hundred and sixty-seven sections, covering as printed four hundred and sixty-nine pages of ordinary law-book size, which was reported to the Legislature in 1851 and adopted as the Code of Iowa.

Although Mr. Woodward was charged with the duty of

superintending the publication of the Code and the preparation of marginal notes and index, it is nevertheless generally understood that Judge Mason, who was the chairman of the Commission, did the principal part of the work of compilation, and the quality of the performance is such as to reflect great credit upon the author. Indeed, the person who wrote the Code of 1851 is to be spoken of in that connection as an author, rather than a compiler; for while he had before him the volume of compiled laws already described, and several volumes of session laws of succeeding Territorial and State legislatures, he managed to condense and re-write the matter in such a masterly style that while preserving the essence of the statutory law as it had already been enacted, he gave it a form entirely different from that of the verbose and stilted statutes in which it had originally been embodied.

The notion that a statute will be defective and inadequate unless full of repetition, reduplication and tautology, seems to have obtained a strong foothold in the popular mind, yet experience shows that language which is simple and direct, and which states one thought but once and in as few words as possible, is least likely to cause confusion when it comes to be construed. This was certainly Judge Mason's idea, for the Code of 1851 is a model of plain and unambiguous statement, in direct and clear language, of the rules and legal propositions which are attempted to be laid down. So satisfactory has been the work done, that while these sections have been overlaid with subsequent legislation, they have been largely retained in the Revision of 1860, the Code of 1873 and the Code of 1897, as the best statement of that portion of the law which they were intended to cover.

But Judge Mason did not confine himself to a mere condensation of the existing statutory law. Legal reform was in the air, and during the year in which the first Code Commission of Iowa was appointed, the New York commissioners, led by the great statutory law reformer, David Dudley Field, had reported the first New York codes. The codes prepared

by Mr. Field were not fully accepted by the New York legislature, either then or subsequently, but many of his cherished reforms were incorporated into the written law, and the code of procedure was fully adopted. It was but natural that Judge Mason should feel the influence of this movement, which, commencing in New York, rapidly extended westward and radically affected the legislation of all the newer states, culminating eventually in California, where the Field codes so-called were substantially adopted in a body. In Iowa the movement for complete codification of the law never got beyond the code of procedure and the criminal code. No attempt was made either by Judge Mason or succeeding codifiers to embody any considerable part of the general principles of the law in statutory form. It is doubtful if such an attempt would have been wise. As a matter of fact the difficulties of applying the terms of a statute are found to be quite as great as those in applying the general rules of the unwritten law. But the reform movement did result elsewhere and also in Iowa in remedying some of the most striking defects of the system of law derived by the American colonies from England, and those reforms were introduced by Judge Mason in the Code of 1851.

It must not be assumed that the Code of 1851 was a copy of, or substantially derived from, any code found in any state. The general principles of law reform as they had been discussed in New York and elsewhere were recognized, but the result was the production of the Iowa author, and not a mere adaptation of the work of another.

One of the notable results of giving to the work of codification an intelligent interest and judgment, and of keeping touch with similar undertakings elsewhere, was the abandonment of the alphabetical arrangement of subjects which had been followed in the Revised Statutes of 1843, and is still followed in compiling the laws of some of the states, and an introduction in its stead of a classification based on an intel-



ligent analysis of the subject matter of the law. This arrangement has been preserved in subsequent codes, and we have the general division into four parts—public law, private law, civil procedure and criminal law. The classification may not be scientifically accurate, but it is practical and convenient as compared with the old alphabetical plan.

To sum up as a whole Judge Mason's services to the State as a codifier, it is enough to say that he introduced the scientific arrangement of the subject-matter, executed the work in a skillful and scholarly manner, set a precedent for the embodiment of statutory enactments in plain, direct and intelligible English, and furnished the model which has been followed in subsequent State codes.

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TERRITORIAL EXTENSION OF IOWA.—The General Assembly of this State has memorialized Congress for an extension of territory on the northwest boundary. Our present western boundary from the junction of the Big Sioux river with the Missouri, is defined by the course of the former, up to latitude 43 deg. 30 min. The design of the memorialists is to take up the northern boundary line from this latter point to the Big Sioux river, and continue it upon that parallel until it intersects the Missouri river. The projection of this line would strike that river about 200 miles above the mouth of the Big Sioux, nearly opposite the Mankisita, or White Earth river, which runs nearly a due east course, and heads directly on a line with the South Pass of the Rocky Mountains, about one degree of latitude north of Fort Laramie. This is a large tract of territory, portions of it exceedingly rich and valuable, and is well watered by the Vermillion, or Wadshesha river, the James river, and its tributaries, five considerable streams, dignified with the name of rivers, the Wanauri river, the Nawii, and several smaller streams.—*Quasqueton (Iowa) Guardian, February 28, 1857.*

NICOLAS PERROT,  
THE FIRST COMMERCIAL TRAVELER ON THE UPPER MISSISSIPPI

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BY REV. DR. WILLIAM SALTER.

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Among the explorers and traders in the country of the Upper Lakes and of the Upper Mississippi Nicolas Perrot was one of the earliest and most adventurous. Born in France in 1644, he came when eleven years old to Canada, as it was called by the Indians, or New France, as it was called by the French. At the age of twenty-one he embarked in trade among the Indians, and made himself familiar with their languages and manners and customs. He was a man of some education, of enterprise and courage, and of fine address. Possessed of religious fervor, he affiliated with the Jesuit Fathers and supported their missions. A silver ostensorium which he presented to the St. Francis Xavier mission at Green Bay is treasured among the curios of the Wisconsin Historical Society.

From his acquaintance with the tribes of the Upper Lakes he was employed by Talon, the Intendant of New France, to assemble their chiefs at the Falls of St. Mary, where the French standards were set up and formal possession taken of the country in the name of Louis XIV with pomp and ceremony on the 14th of June, 1671. Next to the Jesuit Fathers who were present on that occasion, his name as "His Majesty's Interpreter in these parts" is affixed to the Process-verbal. The next name is that of Joliet. It was Perrot's report of what the Indians told of a great river running south that impressed Talon, and was the immediate occasion of his dispatching Joliet at once with Marquette to make the discovery of the Mississippi.

Perrot was the first commercial traveler to engage in trade on the Mississippi. Joliet preceded him ten years, but only as a discoverer; he never returned to the Mississippi. Perrot made an "establishment" among the Sioux on the

west side of the river near the foot of Lake Pepin in 1683. It is marked "Fort Perrot" on early maps. Afterwards he established "Post St. Anthony" on the east side of the Mississippi. Meanwhile he built "Fort St. Nicholas," named for his patron saint, at the mouth of the Wisconsin. The site of this "Fort" has been a matter of much discussion. "An Indian tradition places it on the west side of the Mississippi in what is now the State of Iowa" (C. W. Butterfield). The learned antiquarians, J. D. Butler, E. D. Neill, L. C. Draper, place it at Prairie du Chien; one of them calls upon Wisconsin to "Hold the Fort." The subject is discussed *in extenso* in Wis. His. Coll. x. 54-63, 299, 300, 307-313, 321-372.

Meanwhile La Salle, in the name of Louis XIV, on the 9th of April, 1682, had taken possession at the mouth of the Mississippi of the country watered by it and its tributaries. By that act the soil of Iowa, as included in that country, fell under the authority of France. In exercise of that authority, "in order to make incontestable his Majesty's right to the countries discovered by his subjects," the Governor of New France ordered Perrot to take formal possession of the Upper Mississippi country.

Accordingly on the 8th of May, 1689, Perrot as Commandant at Post St. Anthony took formal possession of the country in the name of Louis XIV. His record of the act is in Wis. His. Coll. xi, 35-'6. Among the witnesses of the ceremony were De Bois Guillot, Commandant at Fort St. Nicholas, Father Gabriel Marest, afterwards missionary for many years at Kaskaskia, and Le Seuer, a hardy adventurer and mine-pro prospector in the Sioux country. Le Seuer was a kinsman of Iberville, the first colonizer of Louisiana. His name is perpetuated in a county of Minnesota.

The following year, 1690, some Miami Indians, then living upon the Mississippi, brought Perrot a specimen of lead ore from a "ruisseau" (probably Catfish creek, Dubuque), and requested him to come and establish a trading-post

among them, which he shortly proceeded to do. Hence the region became known as "Perrot's Mines." Thomas Jeffreys, in "The Natural and Civil History of the French Dominions in North and South America," London, 1760, p. 135, says, "Ten leagues below the Wisconsin are the lead mines, formerly discovered by the Sieur Perrot, and still bearing his name." The site of that trading-post is undetermined. A commanding point at the mouth of Tete des Morts creek, ten miles below Catfish creek, has been suggested for it. "The fact that the village of the grand chief of the Miamis was but four leagues below, was a good reason for locating the trading-post at this place, where it would be convenient for him and his people to barter their furs." (L. C. Draper. Wis. His. Coll. x. 332).

At this period what was known in the English colonies as "King William's War" was raging in Europe and in America. Louis XIV had declared war upon William III as a usurper of the British throne. The Indians were entangled in the broil, mostly as allies of France. Hence it was known in the English colonies as a "French and Indian war," though the Iroquois and Fox Indians took the British side. In this state of things the French authorities revoked all traders' licenses among the Indians, ordered the western posts evacuated, and the return of traders and soldiers to the St. Lawrence. This was disastrous to the fortunes of Perrot. His trading posts were looted by the Indians. Vainly endeavoring to mediate between warring tribes, he suffered from their jealousy and treachery, was robbed of all he had, and at one time was tied to a stake to be burnt, when he was rescued by some Fox Indians who were his friends.

Perrot was never able to regain his fortunes. In his old age when the French wanted to exterminate the Foxes for despoiling the trade between Green Bay and the Mississippi, he offered to go and make terms with them without war; but his proposal was rejected. He prepared for the government a "Memoir of the Manners, Customs and Religion of the



"Savages of North America." Charlevoix mentions it in the list of authors which he consulted in composing his History of New France. The "Memoir" remained in manuscript until 1864, when it was printed in Paris. Some scant extracts were printed in the Minnesota Historical Collections, ii. 200-214. In these extracts there is a reference to "the river of the Ioways (Ayoës), twelve leagues from the Wisconsin, which was followed to its source; there was no wood but only prairies and level plains; and buffaloes and other animals were in abundance." The "Memoir" is quoted by Parkman, who, however, gives countenance to an unjust imputation upon Perrot with reference to La Salle.

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PROVENDER is said to be so scarce in western Tennessee that the inhabitants have been obliged to cut down the trees to allow the cattle to eat the buds, and the circuit court at Jacksonborough has been obliged to adjourn from the impossibility of procuring feed of any description for the horses of those in attendance.

We learn from Mr. Billings, who recently arrived here from Blue Earth, Minn., that a like state of affairs exists in the northern counties of this State and those of southern Minnesota. He reports that for a hundred miles after leaving Blue Earth City, he was unable to get a mouthful of food for his horses, and but little for himself. A great many cattle have died from cold and starvation during the past winter, and much suffering has been experienced by the people from the same cause.—*The Quasqueton Guardian*, May 30, 1857.

## AN ADDRESS

IN COMMEMORATION OF THE MEETING OF THE FIRST LEGIS-  
LATIVE ASSEMBLY OF THE TERRITORY OF IOWA,  
NOVEMBER 12, 1838.

BY REV. WILLIAM SALTER, D. D.

[Delivered in the Congregational Church of Burlington, Nov. 11, 1900.]

The name of Iowa first appeared a little more than two centuries ago as that of bands of Indians who roamed over the vast region between Lake Michigan and the Missouri river. They were nomads, not like the Arabs, with flocks and herds and some measure of civilization, but in a low stage of savagery, living by the chase and by fishing. They occupied from time to time small villages scattered here and there upon water-courses of the region. They were found upon the Milwaukee river in Wisconsin, and upon rivers that still bear their name in this State; the Iowa, that has a tortuous course of more than two hundred miles, and the Upper Iowa. For a more continuous period since the discovery of the country than any other tribes, the Iowa Indians had villages in Iowa. Hence the State bears their name.

Upon early maps the interior of North America had been named "New Spain," but no white man looked upon the soil of Iowa until on the 17th day of June, 1673, James Marquette and Louis Joliet entered the Mississippi from the Wisconsin river, and they beheld the bluffs where the city of McGregor now stands. "We entered the Mississippi with a joy I cannot express," says Marquette. In the eight following days they passed down along the shores of Iowa, seeing no man and no trace of any man until on the 25th of June they observed human footprints in the sand on the west side of the river. Thereupon, they left their canoes and followed the trail of those footsteps. Going about six miles, they came to two Indian villages on the Des Moines river. Here they were kindly received, and entertained with a dog-feast. These Indians called themselves "Illinois." They were bands of a

tribe bearing the name of the river where were their chief villages. Longfellow has put Marquette's narrative of his reception into the closing scene of "*Hiawatha*."

On the 30th of June the discoverers proceeded down the Mississippi. They went as far as the Arkansas, and returning passed up the Illinois river and over to Lake Michigan. They prepared maps of their discovery. Upon Marquette's map the Mississippi is named "*R de la Conception*;" what is now Iowa is only marked by two faint lines to indicate rivers, by "*Peourea*," "*Moingouena*," indicating the Indian villages visited, and by the names of distant nations, "*Oton-tanta*," "*Pana*," "*Maha*," "*Panoutet*," suggesting the Otoes, Pawnees, and "*Omahaws*," as they were called later, and the Iowas under a name given them by the Sioux. The four tribes were of Dakota stock, the Illinois were of Algonquin. Marquette's map was first published in "*Discovery and Exploration of the Mississippi Valley*," by John G. Shea, 1852.

Joliet's map was sent to Paris, where a rough copy was published by Thevenot, 1681. Upon this map the Mississippi is called "*Buade*," in honor of Buade Frontenac, patron of the voyage of discovery, Governor of New France.

The next European upon the border of Iowa was Louis Hennepin. In the spring of 1680, with two Frenchmen, he ascended the Mississippi from the mouth of the Illinois river. He carried presents to ingratiate himself with the Indians. Game and fish were found in abundance. A party of Miamis were met crossing from the west to the east of the Mississippi, on whom it was afterwards learned a band of Sioux were seeking revenge for killing their chief's son. Near the mouth of the Wisconsin river, stopping to cook a turkey and repair their canoe, that band of Sioux came down upon them with hideous clamor. Hennepin told them that the Miamis had escaped across the river, and would be out of their reach. Whereupon the band took Hennepin captive, and returned up the Mississippi.

In the course of the summer (1680), while Hennepin was

moving about among the Sioux villages, another French explorer appeared upon the scene. Du Luth, whose name is preserved in the city at the head of Lake Superior, had threaded his way through the wilderness and swamps between that lake and the Mississippi, and fell in with Hennepin. In the fall they went together down the Mississippi to the Wisconsin, and up that river, and over to Green Bay and Mackinaw, retracing from the mouth of the Wisconsin the route by which Marquette and Joliet had come to the Mississippi seven years before.

These discoveries were at once followed by a rush of adventurers to the region for trade with the Indians, or in search for mines, or to plant missions. Prominent among these adventurers were Nicholas Perrot,\* Le Seuer, and Father Marest.

Meanwhile, on the 9th of April, 1682, La Salle took possession at the mouth of the Mississippi of the whole country watered by its tributaries, in the name of Louis XIV. By that act the soil of Iowa fell under the authority of France. In the exercise of that authority, "in order to make incontestable his Majesty's right to the countries discovered by his subjects," Denonville, Governor of New France, ordered Nicholas Perrot to take formal possession of the Upper Mississippi country, as he did on the 8th of May, 1689.

Meanwhile LeSeuer discovered mines which he thought of great value in the Sioux country. To obtain miners for working them he went to France, and after many mishaps returned with a party of miners. They arrived at the mouth of the Mississippi in December, 1699, and in the spring started up the river and in the course of the summer (1700) passed along the border of Iowa. They encountered upon the river parties of Canadian voyageurs, and on the 30th of July a Sioux war-party intent to avenge the killing of some of their people by the Illinois. Telling them that the King

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\*A more full account of Perrot is given on pp. 610-613 of this number of THE ANNALS.



of France did not want the river any longer polluted with blood, Le Seuer gave them presents and induced them to return. He also met "Ajavois" or "Ainoves," another form of "Ioways." They, too, were at war with other tribes.

On the 13th of August Le Seuer passed the lead mines "on the right and left bank" of the Mississippi, then and long after known as "Perrot's mines." On the 5th of September he passed Bad Axe river, just above the boundary line between Iowa and Minnesota. Continuing in his voyage, he passed up to St. Peter's river, and up that river to Blue Earth river, where he made an "establishment." Here he again met "Ioways," with Indians of other tribes.

In those closing years of the 17th century, England and France were at war. Each had colonies in America, and these colonies embroiled themselves and their respective Indian allies in the barbarities and cruelties of the war. Louis XIV cherished a warm and ambitious regard for New France and Louisiana. He gave their affairs his personal attention and liberal support. No English sovereign gave similar consideration to the English colonies in America. Those colonies grew from their own independent and self-reliant spirit. As against the despotic imperialism of Louis XIV, they were firm supporters of the Revolution of 1688, which brought William III to the throne of England. The contest raged fiercely in America, as in Europe. In this country it was confined chiefly to the frontiers of the Hudson, Connecticut, and Merrimack rivers. The French forts and "establishments" upon the lakes and the Mississippi were abandoned, and the troops called to the St. Lawrence. So far as the Indians of this region took part, it was on the British side. Upon the final close of the war on this continent, with the fall of Quebec (1759), and the treaty of Paris (1763), what is now Iowa in common with the whole country between the Mississippi river and the Rocky Mountains was transferred to Spain, and remained in the possession of Spain until its retrocession to France by secret treaty (1800), and its pur-

chase by the United States in 1803. Meanwhile, wandering bands of Indians continued to roam over the soil of Iowa. The vast prairies were known as "buffalo meadows." They were the hunting grounds of tribes who fought each other, as well as the buffaloes, elks, bears, and other game.

The aborigines, whom the first discoverers of Iowa found here, roamed about in small and scattered bands, and were in the lowest stage of savagery. Students of Indian history make this distinction between savagery and barbarism, that savages know nothing of the art of pottery, or use of stone or adobe in building. That was the condition of the aborigines of Iowa. Neither knew they to construct a chimney. They had no arts or trades. Their only tools or implements were shells, fish-bones, the bones and sinews of animals, and clubs or spears of wood. Their clothing was of skins which they decorated with feathers and bears' claws. The only skill or genius of construction they displayed was in their light and graceful canoes of birch-bark, which were, aside from journeys on foot, their only mode of transportation. The rivers were their highways. They had no horses, cows, sheep, pigs, or chickens. They knew not the use of milk as food. They had no wax, oil or iron.

The bands of Illinois and Miami Indians, who were found upon the Des Moines and Mississippi at the time of the discovery of Iowa, soon returned east of the Mississippi. For one hundred and fifty years after Marquette, the country remained a favorite hunting ground for different tribes, chief among them were the Iowas, the Sioux, the Missouris, the Otoes, the Omahaws, and the Pawnees. The Sacs and Foxes came later, after they had been severely worsted in wars with the French and with other tribes in the region of the lakes and of Green Bay, when they came in the latter part of the 18th century to the banks of the Mississippi. The idea of their owning Iowa by long hereditary possession, or by right of conquest, is fabulous. Bands of them came and established a few villages, because they found the land deserted of

its previous occupants, and it was open before them. The idea of a title to land, or of land purchase, was an incongruity foreign to an Indian mind. To him land was free as air or sunlight, and no more subject to bargain or sale. When we speak of Indians selling their land, of our people buying their land, we speak wholly from the standpoint of the white man, from the language of what we call civilization, and in fact of what is the beginning of civilization.

By the treaty of Paris (1763) this region fell to Spain. But the Spanish government never interfered with the Indians who were here. It only granted licenses to a few traders in furs, and made two small grants of land on the banks of the Mississippi, to traders, one in what is Lee county, at Montrose, the other in Clayton county.

With the Louisiana Purchase by President Jefferson in 1803, what is Iowa fell to the United States. Lewis and Clark passed along our western border in 1804, and Lieutenant Pike along our eastern border in 1805. In the war of 1812 with Great Britain the Sacs and Foxes took the British side, and attacked and burned Fort Madison, which the United States had built in 1808. After the close of that war the different Indian tribes in this region made treaties of peace and friendship with the United States, and, though they had wars with one another, no serious disturbance with the United State arose until the Black Hawk war of 1832. Black Hawk was the leader of what was known as the "British band," in distinction from the peace party, of which Keokuk was chief. The Black Hawk war terminated in his utter rout and defeat, and in a treaty, by which a long strip of our territory was thrown open to settlement by the white people on and after the 1st day of June, 1833. Then began the transformation of our soil from a savage wilderness to cultivated fields and golden harvests, to homes of industry and order, to barns bursting with abundance, to schools and churches, and to cities of fair renown.

In advance of the beginning of this transformation, it

should never be forgotten that by an Act of Congress, approved by President Monroe, slavery was prohibited upon this soil, and the vexing question that had threatened the life of the nation was so predetermined and settled, that Iowa became the first free State of the Louisiana Purchase.

After being made a part of Michigan territory in 1834, and of Wisconsin territory in 1836, the Territory of Iowa was created in 1838, and the first legislative assembly of the territory convened in this city sixty-two years ago, on the 12th of November. A census taken in 1836 showed that in three years 10,531 persons had come to Iowa. In 1838 the census showed a population of 22,859. Pursuant to law, by appointment of the Governor, Robert Lucas, previously the Governor of the State of Ohio, an election for members of the legislative assembly was held September 10, and the assembly convened in Burlington on the 12th day of November.

That day was a day of great interest in Burlington, to which the people had looked forward with eager expectation. The territorial legislature of Wisconsin had met here previously, and the people west of the Mississippi river congratulated themselves on having a separate government of their own. The people had come from every portion of the country. The prohibition of slavery here, which had been enacted in 1820, did not prevent a large emigration from the southern states. It encouraged many to come who disapproved of slavery, who came for the very reason that the land was dedicated to Freedom. There were more members who were natives of those states in the first legislative assembly than there were who were natives of the northern states. The whole number of members was 39, of whom 9 were from Virginia, 8 from Kentucky, 1 from Tennessee, 1 from Maryland, and 2 from North Carolina, making 21, a majority of the whole number. The New England states furnished five members: 1 from Connecticut, 2 from New Hampshire, 2 from Vermont. New York furnished 4, Pennsylvania 4, Ohio 4, Illinois 1, making 18. The assembly consisted of a council



with 13 members, and a house of representatives with 26. The council met in the basement of Old Zion church, as it was afterwards called; the house of representatives in the upper story. Des Moines county had eight members, three in the council and five in the house, a larger representation than any other county. Jesse B. Browne, of Lee county, was president of the council. He had been a captain in the United States dragoons, under General Henry Dodge, and was six feet and seven inches in height, the tallest man in the assembly. Wm. H. Wallace, of Henry county, was speaker of the house. The oldest and the youngest member of the assembly were from Des Moines county, Arthur Inghram, sixty years of age, and James W. Grimes, twenty-two. Fourteen of the members were under thirty years of age, three of whom came to high and honorable positions in the subsequent history of the State. Stephen Hempstead, of Dubuque, became the second Governor of the State. Serrano Clinton Hastings, of Muscatine, was a member of six territorial legislatures, in one of which, 1845, he was president of the council, he was one of the first two Representatives to Congress from Iowa, 1846-7, Chief Justice of Iowa in 1848, and afterwards Chief Justice of California. James W. Grimes was the third Governor of the State, 1854-8, and United States Senator, 1859-1869.

Such were the men who were called to frame the first laws of Iowa. They gave themselves to the task with vigor and industry, and completed it in seventy days. Mr. Grimes was chairman of the judiciary committee in the House of Representatives, and all the laws passed through his hands. Their clearness of statement, their freedom from verbiage and ambiguity, is largely due to his critical sagacity and judicious revision, in which he had also the assistance and co-operation of Mr. Hastings, of Muscatine, who was a member of the same committee. By judges learned in the law that code is to this day held in high honor and esteem. Pursuant to an act of the last general assembly of the State, it has been reprinted this year by the Historical Department of

Iowa, under the careful eye of Mr. Charles Aldrich, the accomplished curator of that department. The laws provided for the administration of justice by courts, for roads and ferries, for common schools and academies, for the punishment of crime, for the erection of a penitentiary at Fort Madison, for the establishment of the seat of government in Johnson county, with a proviso that "for three years the sessions of the legislative assembly shall be held in the town of Burlington." A strenuous effort was made to locate the seat of government at Mount Pleasant, but it was defeated largely through the determined opposition of Thomas Cox, a representative from Dubuque, Jackson, and Clayton counties.

The Governor of the territory was a man of high personal character, firm and unyielding in his convictions of duty, and an ardent supporter of education and moral order. With the experience of years and of public service as Governor of the State of Ohio, he had an overweening confidence in himself to direct matters of legislation, and entrenched so much upon the rights and prerogatives of the general assembly as to bring on a bitter controversy with a large majority of the members of the assembly. Fifteen of them, who belonged to his own political party, were so indignant at his course that they petitioned President Van Buren for his removal from office. Foremost among them were Mr. Hempstead, of Dubuque, and Mr. Hastings, of Muscatine. Among those not of the Democratic party, Mr. Grimes was the leader of the opposition to the course of the Governor. The controversy resulted in an Act of Congress (March 3, 1839), amending the organic law of the territory and curtailing the Governor's power.

By the action of the legislative assembly the Supreme Court of the territory held its first session in this city on the 30th of November. During the same month occurred the first land sales in Iowa; at Dubuque, November 5, and in Burlington, November 19. Those were occasions of the most lively interest. They attracted a large concourse of people

eager to secure a title to their homes from the United States. The receipts at the United States land office in this city during that month were \$295,000. The late General A. C. Dodge was Register of the land office, and he once told me that, when shipping silver dollars in kegs to the United States sub-treasury at St. Louis, he employed Mr. E. D. Rand to transport them from the land office to the steamboat.

In conclusion, I shall be pardoned if I add that it was in the stirring days of that November, on the 25th of the month, a few Christian people in this town met in a house then used for a school, taught by Mr. J. Park Stuart, which stood on the ground now occupied by the county jail, and organized this church with twelve members, the Rev. James A. Clark, a graduate of Yale College, 1834, who had been sent to Iowa by the American Home Missionary Society, the same society that sent me in 1843, preaching and assisting in the service. He was then stationed at Fort Madison and was invited to remove here, but preferred to remain in our neighboring city. Prominent among the members were Mr. and Mrs. James G. Edwards, Mr. and Mrs. William H. Starr, Mr. Joseph Bridgman, who a few years afterward removed to Muscatine. Mr. Edwards was a native of Boston and son of a Revolutionary soldier, who fought at Bunker Hill. He was the founder of the *Burlington Hawk-Eye*. His wife, with no children of her own, had a mother's heart that embraced scores and thousands of other people's children. Mr. Starr built the houses that stand immediately north of this church. He was a classmate in Yale College with Rev. Mr. Clark. The lives of those good men and women and their associates were incorporated and interwoven with the foundations on which rest our institutions of social and religious order. Let us honor their memory by continuing and perpetuating their work, by advancing the city of Burlington and the State of Iowa higher and ever higher in things that ennoble and enrich human life.

From a population of 22,859 in 1838, the census of 1900 shows a population of 2,251,899 in Iowa. With such a his-

tory as we have behind us in the nineteenth century, who shall fix a limit to the progress of the Commonwealth in the twentieth century? May those who have entered into this inheritance, and those who shall enter into it, guard well the sacred trust, and make the future history of Iowa one of the noblest chapters in the Book of Time!

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### NEW PUBLICATIONS.

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McLOUGHLIN AND OLD OREGON by Eva Emery Dye. Chicago. A. C. McClurg & Co. pp. 381.

This is a graphic chronicle of startling occurrences that give more than romantic interest to the history of Oregon. The hero of the book, though misrepresented and maligned both in the British parliament and in the American congress, in one as treacherous to British interests, in the other as false to American interests, was one of nature's noblemen. Born on the St. Lawrence, head of the Hudson Bay Company west of the Rocky Mountains, governor in baronial style of Fort Vancouver, on the Columbia river, friend of Jason Lee, and Whitman, and the American pioneers, and at last making his home and finding his grave among them on the Willamette, John McLoughlin's memory is vindicated, and he is honored as the "Father of Oregon."

A number who had been pioneers of Iowa were also pioneers of Oregon. Among them were Berryman Jennings, the first school-teacher in Iowa (on the Half-Breed tract, Lee county); Morton McCarver, one of the three brothers-in-law who laid out the city of Burlington, Iowa, in 1834, afterwards founder of Sacramento, Cal., of Tacoma, Washington, and missing Portland, Oregon, by only ten miles; W. W. Chapman, the first delegate to Congress from Iowa Territory, 1839-'41, who said "he came all the way from the States for the purpose of burning Fort Vancouver;" Samuel R. Thurston, a lawyer of Burlington and city solicitor (1846), who became the first delegate from the Territory of Oregon to Congress; Delazon Smith, a member of the Convention which formed the State Constitution of Oregon in 1857, and one of the first U. S. senators from Oregon, 1859; and George H. Williams, judge first Judicial District of Iowa, 1847-'52, chief justice, Oregon Territory, 1853, U. S. Senator from Oregon, 1865-'71, Attorney General of the U. S., 1872-'75. Of Mr. Thurston the author says:

A young fire-eater from the States, of surpassing oratory, espoused the anti-Hudson's Bay cause, and rode on the popular wave to Congress. Congress had looked for some lean and bearded trapper from the far-away West, and was startled by the youth, beauty, boldness, and eloquence of Oregon's first delegate, a boy from Maine, scarce two years out, (graduate of Bowdoin College, 1843). They leaned to catch the fiery invective of this brilliant but misinformed young man, who pictured Dr. McLoughlin, the



"old monopolist," holding the savages in leash upon the trembling immigrants of Oregon. Naturally prejudiced, it took but little to carry the tide. Every other settler in Oregon was confirmed in his title to land, but Dr. McLoughlin's was taken away. The old philanthropist, who had filed his papers for American citizenship, was left without a foot of land in all that territory he had opened up to trade.

Much to be regretted, as was Mr. Thurston's course towards Dr. McLoughlin, it may be pardoned as proceeding not from malice, but from jealousy for his country and for American citizenship. Nor should it obscure the honor that is due Mr. Thurston, for the brave stand he took in Congress in the crisis of the Nation fifty years ago upon the question of the admission of California to the Union as a free State. It was a good omen, prophetic of the greatness the last half-century has brought to the States on the Pacific coast, and of the devotion of those States to the Union, that the first representative on the floor of Congress from that coast spoke these fervid words in the hall of the House of Representatives, March 25, 1850:

The people of California take the view, that the introduction of slavery there would be the greatest evil which could be imposed on them. They claim the right to settle their own institutions. Opposition to the admission of California will kindle a fire there which will burn for ages, a fire I hope never to see lighted on that coast. I hope to see the altar of the Union planted there, before which its devotees can come from each State, and kneel amid the sweet perfumes of a common and loving brotherhood. God knows I shall be glad when all causes of contention are settled, all clogs to our national progress removed, the carriage of State righted again, and the Genius of Liberty shall crack his whip over the chargers of civilization, rushing on to new conquests and the goal of the Nation's glory. And withered be my hand, if I ever do aught intentionally to stop its progress. . . . As to the dissolution of the Union, which has been discussed with this question, I will take the liberty of expressing my opinion, and what I believe to be the opinion of my constituents. I believe that such a doctrine should be driven from the pale of civilization as a common enemy of us all. With pain have I been asked, Where Oregon would go in case of a dissolution? Sir, where should she go? She is now a foster child of our common mother, whom she loves and adores; and if any of the family are so inhuman as to stab the mother, shall Oregon aid or abet? Sir, so long as there is a vestige of the old homestead remaining, will Oregon remain to revere the spot where it stands. Oregon says that she is for the integrity of the Union under all circumstances, and cannot entertain any proposition for dissolution. She is willing to contribute to her last cent, to the last drop of her blood, to the last vestige of her honor, to defend it. And while there is a star of the old Constitution twinkling, the needle of Oregon will point to it as the beacon light of her safety.

The author of this volume is of Revolutionary stock, being a great-great-granddaughter of Capt. Titus Salter, of Portsmouth, N. H., who captured ammunition from a British fort at the mouth of the Piscataqua in 1774, which was used the next year by the Americans at Bunker Hill. A mistake is made in placing Caleb Cushing in the U. S. Senate, p. 324; he was in the H. R.

W. S.

# ANNALS OF IOWA.

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## EDITORIAL DEPARTMENT.

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### OUR DYING FORESTS.

During the past decade attention has been widely directed to our constantly diminishing forests. The subject is now undergoing thorough and exhaustive examination by the Agricultural Department at Washington, as well as by private investigators. It is also studied in the light of the most advanced science in many of the Industrial Schools, from all which good results may be confidently expected. Ours having been so largely a prairie state, the losses are not so directly appreciable, though thousands of young trees—the “second growth” in the original woodlands—have been dying for several years. This is no doubt due to the dry seasons of the past fifteen years, though the use of the woodlands for pastures has had much influence in that direction. As bearing upon this subject, we may state upon the high authority of Prof. J. L. Budd, who was so long at the head of the horticultural department of our Agricultural College, that in 1894 the forest trees made no growth of wood whatever. They leaved out and barely lived. The conditions of forest growth during several years, and especially in 1894, throughout a wide extent of country, were most adverse. At the same time apple trees of Russian origin sent out shoots to the length of 18 to 20 inches, showing that in our own worst seasons the conditions were still favorable to their growth.

The estimated percentages of loss vary very much, depending upon location and drainage. This becomes obvious to any one who travels “up and along the valley of the Des Moines” and its tributaries, doubtless prevailing to a greater or less degree in all parts of the State. On some of the

higher bluffs from 40 to 90 per cent of this young timber has died out, and that which is left alive is making but a feeble growth, though it has been doing better the past two years. Another cause is annually proving destructive to thousands of these "second growth" trees. The beautiful hickories, maples, ash, elms, walnuts and lindens, all of which are growing into such precious material for manufacturing purposes, are in demand for fuel. They make ideal fire-wood, but the cutting of such young trees for this purpose is criminally wasteful.

These are startling facts, but there is still another which has a most important bearing upon the subject. Little or no timber—very few seedlings—are coming forward to take the place of that which is so rapidly fading away. This is due to several causes. The old coating of forest leaves, which always kept the ground moist, and in a state of most natural cultivation, no longer exists. The leaves that fall are cut to pieces by the hoofs of horses and cattle and no longer fulfill their old beneficent mission of fertilizing and protecting the surface of the earth. Blue grass has penetrated into every nook and corner of our woodlands, and is performing a powerful work in dessicating the surface of the earth. These causes prevent the germination of nuts and tree seeds, so that one may often walk half a day in the woods without seeing a single little tree unfolding its first leaves. Fewer nuts and seeds are produced than in former years. In the vicinity of towns most of the nuts are gathered by the boys, so that few are left to sprout and grow to maturity. And farther yet, cattle, horses and sheep have a wonderful penchant for nipping off the leaves and branches of little trees. If the intelligent reader will bear these facts in mind the next time he goes into the timber, he will look in vain for the nooks and corners which were thickly studded with a young growth of forest trees 30 to 50 years ago. When we take into account the rapidity with which this "second growth," which began its life about the close of the Civil War, is now dying out or

disappearing before the woodman's axe, coupled with the fact that little or no new growth is coming on to take its place, the prospect for the supply of native timber a generation hence is, indeed, a dubious one. Congress and the state legislatures, and the teachers of forestry, cannot act too quickly to avert a scarcity which is even now at our doors.

The foregoing paragraphs were submitted to Prof. Budd, who has had a large experience in practical forestry. His opinions possess high value, and we are glad to be able to make them a matter of record in our pages. He writes as follows:

I return the paper. It is all right except that not enough stress is laid on the needed forest conditions. In this vicinity and over the State, the native and planted timber from which stock has been excluded, was never thriftier than at the present time. Not a single root-killed tree can be found. But whole groves of native second growth and planted groves have been root-killed where the roots were exposed by tramping of stock. In Europe all forest growth has forest conditions as to leaves, leaf mould and undergrowth. Where stock is excluded unexpected seedlings spring up from bird-planted seed. In a grove of conifers I have in Benton county, Thorn's Black Cherry, Bird Cherry, Hackberry, and other trees are coming up wherever open spaces are found.

J. L. BUDD.

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### ASLEEP IN BATTLE.

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George F. Schoonover, a bright young printer, enlisted at Cedar Rapids, on the 24th day of April, 1861, in Company K, First Iowa Infantry. He was in the battle of Wilson's Creek, Mo., and in the charge led by Gen. Nathaniel Lyon, when that great soldier was killed. Soon after his arrival home he gave the writer an interesting account of his experiences in that memorable affair. He was wounded in this way: A grape shot passed under his left arm, inflicting a severe bruise both upon the body and the arm. The shot went into the ground a few inches and the young man dug it out with his bayonet. The bruised surfaces remained "black and blue" for some time after he was discharged. Among other things, he said he went to sleep in the midst



of the fight. The regiment had marched many hours before it went into battle and the men were completely tired out. While they were under fire they were placed on the opposite slope of a low hill which partially protected them from the shot and shell of the enemy. In order to make this cover as secure as possible the men were directed to lie down. While in this position private Schoonover fell asleep. He could not tell how long he slept, but probably only a very short time. He was quite chagrined to think that he had slept under such circumstances and said nothing about it until two or three days afterwards. He finally heard some of his comrades relating like experiences and then told his own. He reached home safely, and resumed his old avocation as a printer. In the spring of 1862 he purchased *The Story County Advocate*, at Nevada, and changed the name to *The Reveille*. After publishing it a year and a half, he sold it to Hon. John M. Brainard, now of Boone. Not long after this sale his money was stolen, when he determined to re-enlist in the military service. He therefore joined Company A, Twenty-third Iowa Infantry, in which he served until the end of the war. He was on the Red River expedition and served awhile in garrison duty at Galveston. His muster-out occurred at New Orleans, June 11, 1865. After reaching home he was employed for awhile on *The Marshall County Times*, but in 1866 was elected recorder of Story county. He died in Nevada in 1867, before the expiration of his term of office. He was a brave soldier, and an intelligent and versatile pioneer editor, of whom many pleasant recollections still survive.

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### THE GREAT FLOOD OF 1851.

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It has been occasionally mentioned during the time which has elapsed since it occurred, but generally in a merely incidental way. Its history is yet to be written. Contemporary

newspapers seem to have given it little attention, devoting to its phenomena and results only brief paragraphs. Editors in new countries, where "immigration" is so welcome, and always promoted, are little given to exploiting the adverse features of a year or a season, however temporary they may really be. Doubtless the best account of some of its incidents that has yet appeared is that of Major Hoyt Sherman, which was incorporated into "The History of Steamboating on the Des Moines River," by Tacitus Hussey, and appeared in THE ANNALS for April, 1900, pp. 341-44. We have invited several of "the oldest inhabitants" of our State to prepare an article for these pages, giving an account of that unexampled flood, the damaging effects of which were felt throughout the west, but nowhere more severely than in the valley of the Des Moines. One gentleman, who has been a most welcome contributor to our pages, has undertaken the task, though some time will probably elapse before his article can be written. It is a work of much difficulty at this time to collect the necessary data, owing to the fact that most of those who looked upon the waste of waters which made the long reaches of the Des Moines river now a great lake and again a rushing torrent, migrated to other regions, or long ago passed away. In October last Mr. John A. Miller, of Keosauqua, kindly presented to the Historical Department the first volume of *The Western American*, which was published in that city. It is a well-edited country weekly of that olden time—a four-page folio—"set up" and printed at home, and conducted with much ability. It was published by L. D. & H. Morris. In the first issue, dated July 5, 1851, we find the following account of that long wet season and of the successive inundations. While it is brief, it graphically describes the gloomy outlook which confronted the pioneer settlers of our State, depicting conditions which it is difficult to imagine or appreciate at this time:

RAINS, RIVERS, FLOODS AND CROPS.—Never, perhaps, in the history of the country, have the people been visited with such a complication of

afflictions as has fallen upon them for the last two months. During that time we have been visited, at short intervals, with many of the heaviest storms we have ever experienced. For six or eight weeks it has rained almost without cessation. The consequence has been that all the rivers in the State have been swollen to an extent never before known, producing suffering and devastation all along their borders. The meanest rill has "roaring fled its channel," adding its might to the great aggregation of destruction. Three different times the Des Moines has overflowed its banks at this place, driving our merchants and others on Front street back to the bluffs. No one can estimate the amount of damage that has been done. Along the principal rivers the loss of stock, crops, rails, lumber, &c., has been immense; in some instances houses with all their effects have been swept away. The business of the entire country has suffered a severe shock from this great calamity. But the worst feature in the whole matter is the destruction of crops. We have no disposition to croak, but set it down from reliable data that there cannot be more than half crops of wheat and corn. Many farms have not an acre in cultivation. The continuous rains with which the earth has been drenched, prevented some from planting, whilst much of that put in the ground was washed out or rotted where it lay. There can be no question but that the prospect for crops in this State is gloomy enough; and we venture the prediction, that there will not be corn and wheat enough raised in our State to supply home consumption.

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### AVAILABLE LAW BOOKS IN THE TERRITORY OF IOWA.

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The excellency of the products of manual labor depends as much upon the tools as upon the skill of the workmen. Now since that is equally true of intellectual effort, the work of men who use books as tools ought to be measured by the equipment of their libraries. This truth we should bear in mind when we read the reports of the Supreme Court of the Territory of Iowa. The judges and lawyers of that day must have been greatly handicapped by the lack of many useful volumes. The following memorial, which is here printed for the first time, reveals the embarrassing condition under which the pioneer jurist carried on his work:

Memorial of the Judges of the Supreme Court of Iowa Territory and members of the bar of said Court to the Honorable the Senate and House of Representatives of the United States:

Your petitioners respectfully ask from your honorable body an appro-

priation for the purpose of increasing the library of said Territory, and state to your honorable body that the law portion of said library is extremely deficient—so much so that the Supreme Court are frequently compelled to take causes under advisement from term to term in order to enable them to get access to authorities.

So defective is the library that it embraces very few reports of the states of this Union, and none of the reports of the United States by *Peters*, and many other reports and works of the highest and most frequently cited authorities.

Your honorable body need hardly be reminded that our country is new and young; that our libraries are few and small, and that we cannot hope to increase the Territorial library for some years to come, and that we are suffering very great inconvenience during the sessions of the courts for want of those books of authority which are a part of the law of the land and necessary to allow our judiciary to do justice to themselves and the country, and permanently to settle the law of our Territory and to construe in an enlightened manner the statutory enactments of our own Legislature.

We respectfully suggest that an appropriation of five thousand dollars be made.\*

This memorial is signed by Charles Mason, J. Williams, and T. S. Wilson (Judges of the Supreme Court) and by thirty attorneys.

B. F. S.

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### THE LAWS OF IOWA, 1838-39.

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The Historical Department has begun a work for which the people of Iowa are deeply grateful. The recent reprint of "The Statute Laws of the Territory of Iowa" which were "enacted at the first session of the Legislative Assembly of said Territory, held at Burlington, A. D. 1838-'39," is the beginning of a line of reprints that should be continued without interruption until all of the laws of the Territory of Iowa, the journals of the constitutional conventions of 1844 and 1846, and the code of 1851 have been made accessible to the people of the State. The truth is that only a few of the older libraries of the State contain copies of the originals

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\*Taken from the original manuscript copy of the memorial, as preserved in the office of the Clerk of the House of Representatives in the Capitol at Washington, D. C.



of the volumes just mentioned. Within the last twenty years scores of school and public libraries have been established; and recent legislation relative to libraries will mean the establishment of a much greater number in the future. Not one of the many school and public libraries in Iowa should be without a complete set of the statute laws and codes of the State and Territory. We shall look to the Historical Department to furnish the necessary reprints. An excellent beginning has been made.

But students of law and government outside of this State are interested in our laws. It is a fact that Iowa has furnished models for more than one commonwealth. The volume of laws which the Historical Department has just reprinted was in 1843 adopted and enacted as a part of the law of the Provisional Government of Oregon. The Iowa Code of 1851 was in many parts enacted verbatim by the neighboring State of Nebraska. No one can discuss the development of law in the West without making prominent mention of the statute laws and codes of Iowa.

BENJ. F. SHAMBAUGH.

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### HISTORIC MARBLES.

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During the month of December the Historical Department came into possession of marble busts of Gov. and Mrs. William Larrabee. They were from the studio of the Messrs. Pugi Brothers, Florence, Italy, and were accompanied with beautiful dark polished stone pedestals. The material from which these busts were carved is the finest Carrara marble. As likenesses of those well-known and distinguished Iowans they leave nothing to be desired. They are at once recognized by all who have known them in the past. The Department also owns a fine marble medallion bust of the late Hon. William Pitt Fessenden of Maine. This was from the chisel of Larkin G. Meade, one of the best

known American sculptors, who has long resided in Florence. This bust was procured by the late Governor James W. Grimes, a close friend of Mr. Fessenden, for his own residence at Burlington. Shortly before her lamented death Mrs. Grimes sent it to Governor Boies for the State of Iowa, when it naturally came to the Historical Department. As works of art and as faithful likenesses these busts are among the finest in the United States. A plaster bust of the lamented Hon. D. N. Richardson, of Davenport, has also been contributed by his family. It was painted black, but is a faithful likeness of that distinguished Iowa journalist and traveler.

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### USURY IN EARLY IOWA LEGISLATION.

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The taking of interest from borrowers of money has been a subject of sharp controversy in the history of religion, philosophy and politics. Until the beginning of the modern industrial era it was regarded as an offense against morals to exact interest which was generally punished as a crime. Philosophers condemned it and the church inveighed against it. With the transition from the patriarchal and feudal regimes to the present industrial and commercial organization of society wherein capital, or accumulated wealth, plays such a vital part in the conduct of business people began to look upon the practice of exacting interest differently. It was perceived that capital was sought for not solely or chiefly by the unfortunate and spendthrift as in former times, but mostly by merchants or undertakers of enterprises with a view to increasing their profits. Money was to be considered as any other commodity in the market, subject to the laws of supply and demand. When this fact was fully realized political economists and financiers began to condemn the laws against usury, on the ground that instead of really protecting the borrower such laws in fact made interest rates higher. England has repealed all of her

statutes, and in this country Massachusetts has removed all prohibitions respecting the lending of money.

Early in the history of Iowa this subject came up for legislative consideration. In 1843 the Territorial Council passed an act (C. File 16) regulating interest on money. The bill when sent to the House of Representatives did not meet with immediate approval. On January 17 the House debated it in Committee of the Whole and referred it to the Judiciary Committee (See House Journal 1842-43, p. 118). This committee made their report on February 6. In many respects the report was a remarkable document for the knowledge and breadth of view shown at a time and under circumstances that would lead us to expect the contrary. The classical writers on political economy have seldom stated more concisely the reasons for exempting loanable capital from hindrances and regulations aiming to control the rate of interest. The committee said:

The committee are of the opinion, from the partial examination they have given the subject, that all laws regulating the percentage on money, with the exception of fixing a uniform rate where none is stated by the contract, are inexpedient—injurious alike to the borrower and the lender. Such they believe would be the general sentiment of mankind, if this question could be considered free from religious prejudices and the influence of long established custom.

Money, like every other exchangeable commodity, is subject to frequent fluctuations in value, being no more uniform in price than cotton, tobacco and other great staples of the country. Its worth depends on the state of the market, and is regulated by the great law of demand and supply. There is no more reason for arbitrarily establishing the rate for the use of money, than for the use of houses, lands, merchandise and other property.

It has been deemed sound policy, and essential to individual prosperity, to allow every person to hire his farm, house, or chattels, upon such terms as he could obtain. Why deny the same privilege in the disposal of money? Individuals are presumed to understand their own business better than legislatures. It will be soon enough for these grave bodies to interfere with private rights, and assume the control of the personal matters of others, when the people shall have proven themselves incompetent to manage their own affairs.

Usury laws are rarely enforced and easily evaded. Their penalties do little more than furnish arguments for the lender to charge for the hazard he runs, which the borrower has to pay. When the market value of money

is higher than the legal rate, they prevent competition, the great reducer of price. Upright men, who would not violate the law, but are unwilling to loan their money for less than its real worth, cease to be lenders, leaving the needy borrower at the mercy of grinding brokers and swindlers, who monopolize the market.

Usury laws have a highly prejudicial influence upon the morals of the community. They hold out temptations for the wanton disregard of solemn engagements. The borrower who first suggested the offence, without whose agency it could not have been perpetrated, not only escapes "unwhipped of justice" but is paid for his infamy, and all the sympathetic feelings of our nature are invoked in behalf of the unfortunate victim of his own voluntary promises.

The conclusions of the committee are adverse to any restrictions upon the loaning of money, but fearing that public sentiment may not be ripe for so sudden a change in our laws, have so amended the bill as to allow parties to contract for as high a rate of interest as twenty per cent. per annum, and the borrower to recover the excess beyond that amount.

In a new country of vast undeveloped resources, it is the dictate of wisdom to offer inducements for men of wealth to send their money among us; and a less rate of interest than that recommended, in the opinion of the committee, would not have the desired effect of diverting the capital of the East to the far West.—Journal of the House, Feb. 6, 1843.

The chairman of the Judiciary Committee of the House of Representatives in the fifth session of the Territorial Legislature was Thomas Rogers, who represented the counties of Dubuque, Delaware and Clayton. Associated with him were Isaac N. Lewis of Van Buren county, Frederick Andros, representing the same counties as the chairman, Thomas McMillan of Henry county, and George Hepner of Des Moines county.

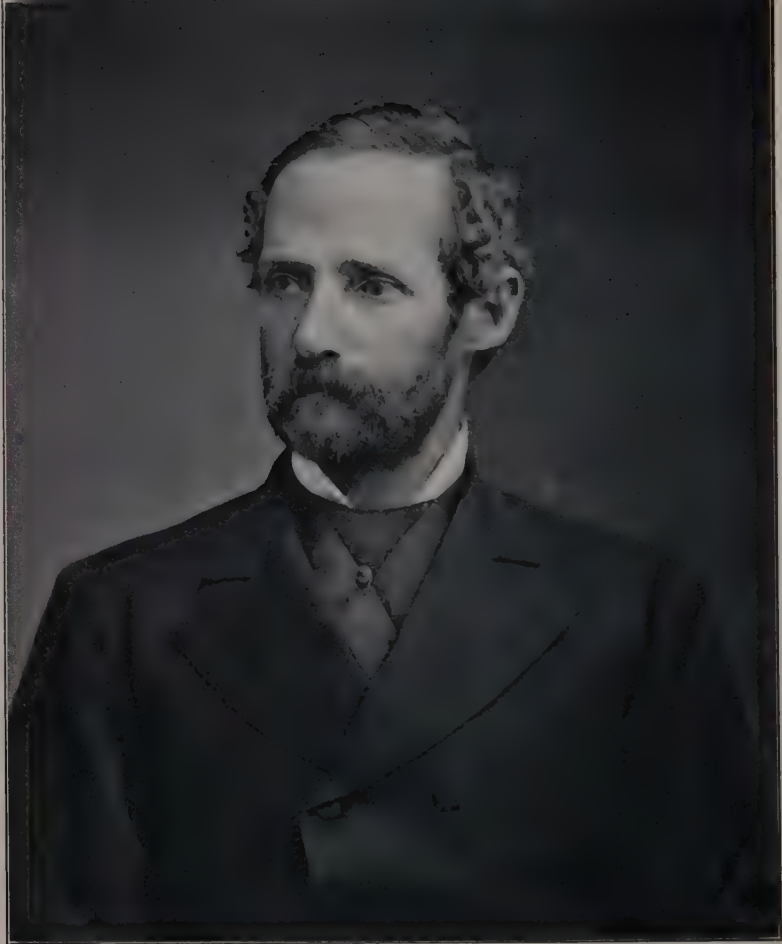
F. I. H.

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A NOTABLE event occurred in Cedar Rapids Thanksgiving Day—a family dinner given by Mrs. W. W. Walker in honor of her aunt, Mrs. J. F. Ely, eighty-three years old, and the oldest living resident of Cedar Rapids. Mrs. Ely's first husband, Alexander Ely, and her brother, John Weare, and their friend, Judge Greene, were the three public-spirited men to whom the Cedar Valley and the northern half of the State of Iowa owe much of their present prosperity. About sixty relatives sat at table together, including representatives of the Elys, Weares, Carpenters and Walkers, names prominent in the early history of the State.







*Yours always,  
Henry O'Connor.*

THE LATE HON. HENRY O'CONNOR,  
Soldier in the civil war, 1861-5; Attorney General of Iowa, 1867-72.

## NOTABLE DEATHS.

HENRY O'CONNOR was born in Dublin, Ireland, in 1820; he died at the Soldiers' Home, Marshalltown, Iowa, November 6, 1900. We have no record of his early life. He came to this country at the age of 20, stopping in New York City, where he learned the tailor's trade, at which he worked several years. During this time he studied law and was admitted to the bar in May, 1849, in which year he came to Iowa and settled in Muscatine. He was a popular and most eloquent speaker and soon became well known throughout the State. At first an Anti-Slavery Whig, he naturally went into the Republican party upon its organization. He was a candidate for presidential elector and supported Gen. Winfield Scott for president in 1852. He was also nominated for the same place in 1856 as a Republican, supporting John C. Fremont. In 1858 he was elected district attorney, in which office he remained until the outbreak of the Civil War. He enlisted as a private in Co. A, First Iowa Infantry, with which he marched down into Missouri. He bore his part in the battle of Wilson's Creek, where Gen. Lyon was killed. In many of the towns receptions were given to the regiment, upon which occasions the duty of responding to speeches of welcome devolved upon "Private O'Connor." It was also jocosely reported that his musket "kicked" so severely that it faced him half-way around into the position of "load!" When the regiment was mustered out he was the best-known man in it. Upon his return, Gov. Kirkwood appointed him Major of the Thirty-fifth Iowa Infantry. He served in this command until the close of the war. In 1866 he was elected attorney-general of the State, and re-elected two years later. In 1868 a memorable case arose in Mitchell county which was referred to him for his opinion. A woman was elected county superintendent of schools whose qualifications were questioned on account of her sex. Attorney General O'Connor decided that in Iowa women were equally eligible with men to any office except that of member of the legislature. This decision settled the question for the time, but it was made the subject of legislation later on. It was one of the events of his career of which he was always proud. Some years later he was appointed solicitor of the State Department at Washington, from which position he retired upon the election of President Cleveland. This was his last official service, except that when far advanced in life he was two or three times chosen to some subordinate office in connection with the State legislature. The manuscripts of his opinions fill many folio volumes in the State Department at Washington. Major O'Connor was a typical Irishman, impulsive, genial, courteous, warm-hearted, a man of many friends, with few or no enemies, a brave, self-sacrificing soldier in the nation's time of need, a lawyer of ability and learning.

CAPT. JOSEPH A. O. YEOMAN was born at Washington Court House, Ohio, in 1842, where he lived until the breaking out of the Civil War, when he entered the 1st Ohio cavalry as a private. He served throughout the war, quitting the service with the rank of Captain. Speaking of his military service the *Fort Dodge Messenger*, of November 20, says: "Captain Yeoman's war record is a brilliant one. He was a dashing army officer, shrewd in plans and daring in action; a typical cavalryman in a war in which cavalry reached a height of effectiveness seldom seen. His chief reputation is linked with the capture of Jefferson Davis, in which he bore no inconsiderable part. He was detached with a party of twenty picked men in the disguise of rebel soldiers, to endeavor to secure news of Davis, and after hard riding and numberless adventures succeeded in joining the escort which was accompanying the rebel president. Captain Yeoman's plan was to capture Mr. Davis by a sudden attack, but he was prevented by the

watchfulness of the Confederate escort, but he succeeded in sending news to the Federal forces of Davis' movements, which ultimately resulted in his capture. In recognition of his services, Captain Yeoman, by special act of Congress, together with three other officers, was voted \$3,000 of a grant of \$100,000 made by Congress to signify the gratitude of the country to those who were instrumental in capturing the President of the Confederacy, the remaining \$88,000 being divided among the enlisted men. He also received special mention as the only officer who had actually risked his life in the capture." On being mustered out of the service Captain Yeoman entered the Albany law school from which he graduated and was admitted to the bar in 1867. He immediately came west and settled in Fort Dodge where he continued in the practice of law until the time of his death. As a lawyer Captain Yeoman was regarded as one of the most aggressive, forceful and able advocates in the northwestern part of the State. He was known as a fighter, always entering into his cases with terrible earnestness. When any case absorbed his interest he pushed it on to a conclusion regardless of cost, and often at his own expense. He was attorney in several famous cases, notably *Boies vs. Allen* and in the *Olsen* case. In politics Captain Yeoman was a Democrat. In 1879 he was nominated by the Democrats for Lieutenant-Governor. In 1888 he was the opponent of Hon. J. P. Dolliver for Congress and in the campaign held a series of joint debates which will long be remembered in the Tenth district. On the election of Grover Cleveland he was a prominent candidate for District Attorney for northern Iowa, though unsuccessful. He died at Washington Court House, Ohio, Saturday, November 17, 1900, while on a visit at his old home.

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JOHN BRENNAN, the Irish orator and editor, was suddenly stricken dead at his home in Sioux City on October 5, 1900, at the age of fifty-five. His death removes an interesting and romantic figure from Iowa life and from a very large circle of friends and admirers. Mr. Brennan was born in Ireland, in Elphin, county of Roscommon, July 14, 1845. He was the son of a butcher, and was educated at the national schools in his native town, living with his parents until 1865, when he came to the United States. Here he pursued various occupations, working at any labor that presented itself, being a farm hand, porter, railroad grader and teamster, during the first four years of his sojourn in America. In 1867, while working for A. J. Poppleton, a leading lawyer of Omaha, he took up the study of law and was soon admitted to the bar. He was a powerful advocate before a jury, but in a short time was compelled to abandon the profession because of defective hearing. In 1869 he became a reporter for the *Sioux City Daily Times*, which position he filled five years. In 1875 he was elected Justice of the Peace, and later was a member of the city council and city attorney. Mr. Brennan's chief reputation rested on his remarkable oratorical powers. Although a facile and effective writer, he was most effective on the platform, especially when dealing with England's treatment of Ireland. So effective was he as a campaign orator that in the celebrated speaking tour of James G. Blaine, in 1884, Mr. Brennan accompanied him in his campaign through the east. During the agitation in this country for the aid of Ireland in the home rule struggle, Mr. Brennan was closely allied with Patrick Egan and John P. Finnerty, taking an important part in the national gatherings of the Irish leaders. In religious matters he was a devout Catholic, during his later years devoting his energies to editorial work on *The Northwestern Catholic*, published at Sioux City.

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MORTIMER A. HIGLEY was born in Hartford, Connecticut, April 18, 1838; he died at Cedar Rapids, Iowa, October 30, 1900. He came to Linn county with his parents in 1842. After quitting school he entered the service



of his elder brothers who were engaged in the mercantile business in Cedar Rapids. He was employed by various merchants until the outbreak of the Civil War, when he entered the Union Army. He spent some time at the start in recruiting Co. A of the 5th Iowa Infantry, of which he was made first lieutenant. Some months later he was assigned to the staff of Gen. E. O. C. Ord, commanding the District of Corinth, as Acting Commissary of Subsistence. He served on the staff of Brig. Gen. T. J. McKean, as Quartermaster of the 6th Division of the Army of the Tennessee. Promoted to Commissary of Subsistence with the rank of Captain, he was assigned to the staff of Gen. J. B. McPherson, becoming Chief Commissary of Subsistence of the 17th Army Corps. He also served on the staffs of Generals J. M. Tuttle, C. C. Washburn and B. H. Grierson. He participated in the battle of Shiloh and the siege and battle of Corinth. After leaving the army he returned to Cedar Rapids, where he engaged in the hardware business with P. W. Zeigler. In 1885 he was elected president of the Merchants' National Bank of Cedar Rapids, and held the office till 1899, when he resigned on account of ill health. He was a most useful citizen of that city. Among other trusts, he served on the school board for twenty-one years. The Legislature elected him a member of the Board of Regents of the State University, where he became Chairman of the Building Committee, having in charge the construction of the Liberal Arts building which is now being completed at Iowa City. He was also prominent in Masonic circles. In his death the city and the State lost an upright man and a most useful citizen.

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MRS. ELIZA W. MILLER, widow of the Honorable Samuel F. Miller, late Associate Justice of the U. S. Supreme Court, died suddenly at her home in Washington, of heart disease, being found dead in her bed on the morning of December 1, 1900. Her remains were brought to Keokuk, where the funeral took place. Mrs. Miller had just returned to Washington from her old home in Keokuk, Iowa. Her maiden name was Elizabeth W. Winter. She was born in Sharon, Pennsylvania, in 1828. She was first married to Lewis R. Reeves, who became the partner of Samuel F. Miller in the practice of law. In 1856 Mr. Reeves died and some years later Mrs. Reeves became the wife of Mr. Miller. On the appointment of Mr. Miller to the federal bench by President Lincoln, Mr. and Mrs. Miller left Keokuk and made their home in Washington. *The Gate-City* of Keokuk thus describes Mrs. Miller's character: "She was always hearty and sincere, and while lacking in the veneering of diplomacy in some degree, she made and kept friends by the good cheer with which she was always surrounded. She liked to visit her old friends here, and her annual visits to Keokuk were always the occasions of pleasant, although quiet social affairs in the old families in which she was the life of the company. She was an excellent conversationalist, gentle in spirit, and strong in ideas. She had much force of character, but kept the strength veiled behind a constant gentleness." Mrs. Miller left surviving her two children, Mrs. A. E. Touzalin, of Colorado Springs, and Mr. Irvine Miller of Springfield, Ohio.

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LEVI FULLER was born in Tioga county, Pennsylvania, August 14, 1824; he died at West Union, Iowa, December 8, 1900. He was a lineal descendant from Edward Fuller, of the Plymouth Rock Colony, who came over in the Mayflower in 1620. He was educated at the Academy at New Castle, Pennsylvania, after which he entered upon the study of medicine. Upon his admission to the practice of his profession, he first settled at Rock Grove, Stephenson county, Illinois, but removed to West Union, Fayette county, Iowa, in 1853, which was thenceforth his residence. He was chosen to the Iowa House of Representatives in 1861, serving in the regular session of 1862, and in the extra session of the latter year. Gov. Kirkwood

commissioned Dr. Fuller as Surgeon of the 38th Iowa Infantry, but before he could join his regiment President Lincoln had appointed him Collector of Internal Revenue for the Third District of Iowa. After the war he was appointed upon the commission to distribute the aid provided by the legislature for the people who had been impoverished by the grasshoppers in Northwestern Iowa. He served on the school board of West Union for sixteen years, and for twenty years was President of the Board of Trustees of the Upper Iowa University at Fayette. A kind-hearted, excellent gentleman, a friend and promoter of education, awake to every public interest of his town and county, a progressive, but careful and judicious legislator, Dr. Levi Fuller will be long remembered as one of the foremost and most useful pioneer citizens of Northeastern Iowa.

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EDWARD W. LUCAS was born in Pike county, Ohio, September 13, 1825; he died at Iowa City, December 17, 1900. He came to Iowa with his father, Gov. Robert Lucas, in 1838. Soon after the family reached this State he became a clerk in the store of Ezekiel Clark. Some time later he formed a partnership with Messrs. Clark and Crosthwaite and engaged in locating lands, paying taxes and general banking business. The firm afterwards consisted of Clark, Kirkwood and Lucas. Their business transactions were mainly at Des Moines, but for a time at Fort Dodge. At the outbreak of the Civil War he was commissioned Lieut.-Colonel of the 14th Iowa Infantry, with which command he served for something over a year. He was taken prisoner at Shiloh, April 6, 1862, and confined in Libby Prison until the following October. After he was exchanged he resigned to organize a cavalry regiment, which plan, however, he did not carry out, as orders were received from Washington that no more cavalry regiments were required. He was for something over two years postmaster at Iowa City under the Johnson administration. He served in the Nineteenth and Twentieth General Assemblies, where he was a leading and well-known member. He was one of the charter members of the Johnson County Agricultural Society and served as one of the directors for twenty-two years. He had filled many important places, always with credit to himself and to the satisfaction of his fellow citizens.

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LUCRETIA MITCHELL TENBROECK was born in Portland, Maine, July 7, 1824; she died at the home of her son, Dr. E. L. Baker, at Indianola, Iowa, November 7, 1900. She was married May 10, 1843, to Nathaniel B. Baker, at Concord, New Hampshire, where her parents had settled some years before. Mr. Baker was then a rising young lawyer of that city. He soon entered upon a political career in which he was remarkably successful. His county sent him twice to the lower house of the State Legislature and at both sessions he was chosen speaker. In 1854 he received an almost unanimous vote for Governor of New Hampshire. In 1856 the family removed to Iowa and settled in Clinton. In 1859 he was chosen to the Iowa Legislature, where he was prominent and influential from the start. Upon the outbreak of the Civil War, Governor Kirkwood appointed him Adjutant General. In this position he won national fame. His death occurred in 1876. Throughout his life she was a quiet force assisting him in achieving name and renown. She was a devoted Christian mother, and the friend of the poor. Among the sincerest mourners who followed the saintly woman to the grave was an aged colored woman whom she had befriended in other days. She was buried in Greenwood Cemetery, Des Moines, by the side of her husband.

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EBENEZER P. UPHAM died at his home in Jamestown, New York, December 31, 1900, at the age of seventy-three. The writer has no record of the date and place of his birth, though he had known him well nearly fifty

years. Mr. Upham grew up in *The Jamestown Journal* office of Adolphus Fletcher, where Horace Greeley and Frank W. Palmer wrought as apprentices or as journeymen in the olden time. Palmer and Upham became proprietors of *The Journal* and published it several years. Coming west, however, in 1859, they first purchased and for a time published *The Dubuque Daily Times*. Mr. Palmer was elected State printer just before the outbreak of the war, and coming to Des Moines purchased *The Register*, then a weekly paper. He started the daily issue in April, 1861, from which time the business grew rapidly. Later on Mr. Palmer and Mr. Upham were connected with *The Inter Ocean* and *Industrial World* of Chicago. Altogether they were associated in business for more than thirty years. Mr. Upham was a popular and successful business manager, and as such became widely known in the middle west. He was a genial, excellent gentleman, enjoying a high measure of esteem and confidence.

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WILLIAM CHARLES HARRIS was born at Bristol, England, November 2, 1830; he died at Nevada, Iowa, October 5, 1900. His early life was quite an adventurous one. He ran away and went to sea at the age of fourteen, where he remained two years. He afterwards enlisted in the English army, where he served ten years. During this service he went to South Africa and also into India, and was for a while in garrison in Canada. When a detail from each regiment was sent to London to attend the funeral of the Duke of Wellington, he was one of this Guard of Honor. He was also in the Crimean War and was one of the Light Brigade which made the celebrated charge at Balaklava. He was undoubtedly one of the last survivors of that disastrous affair. He returned to England soon after this last service, and migrated to America. He crossed the plains with a wagon train, passing through the city of Des Moines. After various travels, he returned to Iowa and settled near Nevada, Story county, in 1874. His career from that time forward was uneventful. The Nevada papers characterized him as a quiet and peaceful Iowa farmer, whose life was in all respects highly praiseworthy.

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WILLIAM H. M. PUSEY was born in Washington county, Pennsylvania, July 29, 1826; he died at Clarinda, Iowa, November 15, 1900. He was a graduate of Washington and Jefferson College, Washington, Pennsylvania, in 1847. He removed to Iowa and settled in Council Bluffs in 1856. He had studied law in Springfield, Illinois, where he made the acquaintance of Abraham Lincoln. In after years he became Mr. Lincoln's agent in sundry business transactions in this State. Soon after coming to Council Bluffs he entered into a co-partnership with his brother-in-law, Mr. Thomas Officer, as private bankers. From that time until the death of Mr. Officer a few months since, their house was one of the most prominent in western Iowa. Mr. Pusey was elected State Senator in 1857 from a pioneer district embracing twenty-two counties. He served in the sessions of 1858-60. He was chosen to Congress in 1882, serving one term. Few Iowa men have ever enjoyed a higher degree of confidence than that reposed in Mr. Pusey for over forty years.

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MISS FLORA WRIGHT, whose death occurred on November 8, 1900, was the youngest and only surviving child of the late General Ed Wright. She was born in Cedar county, Iowa, in 1857, and came to Des Moines with her parents when her father assumed the office of Secretary of State in 1867. On the death of her mother in 1877 Miss Wright took charge of her father's household, and during his long service for the State of Iowa and for the city of Des Moines she was his most efficient helper. In the later years of her life she had the care of her deceased sister's children, to whom she stood both as a guardian and as a mother. The immediate cause of Miss



Wright's death was an operation performed at Mercy Hospital, Des Moines, with the hope of affording her relief from a serious malady with which she had been afflicted for some time.

JAMES B. EDMONDS was born in Saratoga county, N. Y., May 20, 1832; he died in Washington, D. C., December 29, 1900. He was admitted to the bar at Elmira, N. Y., in 1853, and was associated in law partnerships with Hon. John L. Taylor, M. C., and with Gen. B. F. Tracy, late Secretary of the Navy. He came to this State in the late fifties or early sixties and settled in Iowa City, where he became one of our widely known lawyers. His health failing in 1875, he removed to Washington, where he resided until his death. He was one of the District Commissioners—a position of high responsibility—from March 3, 1883, until April 1, 1886. As a mark of respect the flags on all the city buildings were placed at half-mast upon the occasion of his death.

WILLIAM H. HUNTER was born in Sciota county, Ohio, September 10, 1834; he died at Keokuk, Iowa, October 29, 1900. He came with his parents to Lee county in 1852, where he afterwards resided. He received his education at Maryville College, Kentucky. After his college days he entered upon the study of medicine under the late Dr. John F. Sanford. He had practiced a few years before the outbreak of the war, at which time he was made surgeon of the 2d Iowa Infantry, which place he held to the end of the war in 1865. He also held the position of medical examiner of the Pension Board during the administration of President Cleveland.

HERSHEY JONES was born in Lancaster, New York, July 1, 1842; he died at Cedar Rapids, Iowa, November 21, 1900. He enlisted in the 9th Wisconsin Cavalry, serving until it was mustered out at the close of the war. Like many other young soldiers, he attended school after he left the army. He settled in Cedar Rapids in 1869, having received an appointment in the Iowa Railway Mail Service that year. He was at one time deputy clerk of the United States Court, but retired some years ago from active business life. The Cedar Rapids papers paid high tributes to his memory.

JABEZ BANBURY died at Pasadena, California, December 11, 1900, at the age of 70 years. He was born in England and was brought to this country at the age of twelve years. He entered the Fifth Iowa Infantry as a First Lieutenant and after four years of active service was mustered out with the rank of Colonel. After the war he settled in Marshalltown, Iowa, where he built up a good business as a groceryman. About the year 1870 he removed to California, becoming one of the pioneer settlers in Pasadena, where he resided until the close of his useful life.

HENRY C. KUMMER was born in Bevenson, Hanover, Germany, Feb. 4, 1831; he died at Keokuk, Iowa, October 29, 1900. He came to America in 1854. He resided for some time in Sac City and Madison, Wisconsin, but afterwards removed to Keokuk, from whence he went to Kansas for two or three years, returning to Keokuk in 1860. He enlisted in Co. D, 1st Iowa Infantry, and was in the battle of Wilson's Creek. He was long in the employ of the Des Moines Valley Railroad, in which he held several responsible positions.

A. S. FAVILLE was born in Manheim, New York, seventy years ago; he died at Norfolk, Virginia, December 25, 1900. He was a brother of Hon. Oran Faville, the first Lieutenant Governor of this State. He settled in Mitchell county in 1855, where he taught the first public school and organized the first Sunday-school. As time progressed he became active in public affairs, holding the offices of county surveyor, probate judge, auditor and treasurer. He also represented Mitchell and Howard counties in the Thirteenth General Assembly.



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# Historical Department of Iowa.

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This new Department was established by act of the Legislature of 1892 for the promotion of historical collections pertaining to Iowa and the Territory from which our State was established.

The Historical Rooms are in the basement story of the State House, are fire-proof, and will be a safe depository for valuable books, files of newspapers, pamphlets, manuscripts, maps, portraits and articles of value, illustrative of the history and progress of our State and its people.

Here it is desired to collect:

1st. A copy of all documents, papers or pamphlets, letters or manuscripts, relating to early settlements in any part of Iowa.

2d. Well authenticated facts relating to the naming of any of the lakes, rivers, counties, cities and chief towns of Iowa, stating the origin, signification, and authors of such names.

3d. Personal narratives; the biographies of men or women who were among the early settlers in any part of Iowa, giving details of all facts of public interest, incidents of pioneer life, etc.

4th. Copies of old Iowa newspapers, files of such papers up to the close of the War of the Rebellion; letters written by soldiers during the war; incidents connected with the organization of Iowa regiments, batteries or companies.

5th. Letters, diaries, commissions of officers, newspaper articles in war times, histories of companies and regiments, arms or equipments used in any of the wars, battle flags, etc.

6th. The names, date of establishment, and brief histories of Academies, Seminaries, Colleges and Universities in Iowa. Names of founders, and of all principals and presidents, and dates of terms of service. *Catalogues and other publications.*

7th. Send to the Historical Department the stone axes, hatchets, mauls, pestles, arrow and spear heads, and not allow them to be wasted by scattering them elsewhere.

8th. We desire especially arms, household implements, or ornaments in use among any of the Indian tribes which have at any time inhabited Iowa; also recollections of the Iowa Indians by any of the pioneer white settlers.

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